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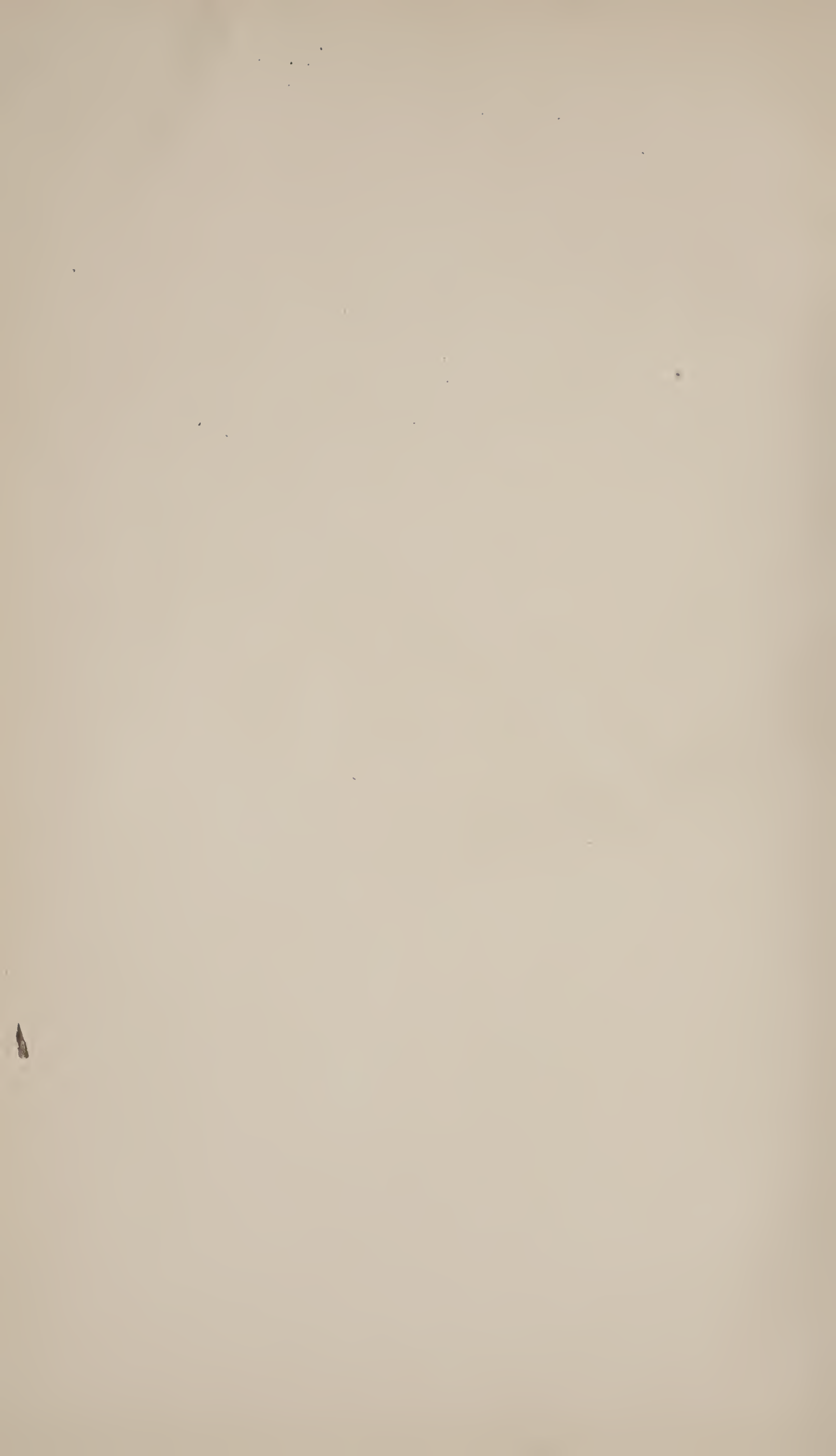
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Stephen W. Laofield

SPEECHES
OF
GLENNI W. SCOFIELD

WITH
BIOGRAPHICAL SKETCH



Printed for Private Circulation
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PHILADELPHIA

1892

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INTRODUCTORY NOTE.

DURING my father's lifetime I frequently urged him to have his speeches published, and once so far succeeded as to get him to look over them with that end in view; but he abandoned the idea, saying they were upon subjects that were passed upon long ago and had become settled facts, and had therefore lost the interest that was attached to them when they were matters of uncertainty and discussion.

Now, I think, they will, at least, be a pleasant memento of him for his friends to have, and as such I have decided to publish them.

ELLIE G. SCOFIELD.

WARREN, PENNSYLVANIA,
November 20, 1891.

CONTENTS.

	PAGE
BIOGRAPHICAL SKETCH	7
Speech on an Amendment of the State Constitution providing for the Election of Judges by the People. Delivered in the House of Representatives of the State of Pennsylvania, February 15, 1850 .	17
Speech Renouncing Allegiance to the Democratic Party. Delivered at Warren, Pennsylvania, July 2, 1856	26
Speech in favor of Anti-slavery Men holding Public Office. Deliv- ered in the Senate of the State of Pennsylvania in 1857	29
Speech on the Religious Disability of Witnesses. Delivered in the Senate of the State of Pennsylvania in 1858	33
Speech on the Exemption of the Homestead from Sale for Debt. De- livered in the Senate of the State of Pennsylvania in 1859	39
Speech on the Abolition of Slavery. Delivered in the United States House of Representatives in February, 1864	44
Speech on the Proposed Division of the Republic. Delivered in the House of Representatives, February 24, 1864	47
Speech on the Bill "To Guarantee to Certain States, whose Govern- ments are Usurped or Overthrown, a Republican form of Govern- ment." Delivered in the House of Representatives, April 29, 1864.	58
Speech on the Amendment of the Constitution to Prohibit Slavery. Delivered in the House of Representatives, January 6, 1865, in reply to the Hon. James Brooks	69
Annual Address at the New York State Fair. Delivered at Utica, New York, September 14, 1865	86
Speech on the Bill to Extend the Right of Suffrage in the District of Columbia to People of Color. Delivered in the House of Repre- sentatives, January 10, 1866	105
Speech on Reconstruction. Delivered in the House of Representa- tives, April 28, 1866	117
Speech on the Bill to Provide for Restoring to the States lately in Insurrection their Full Political Rights. Delivered in the House of Representatives, January 19, 1867	141
Speech on the Bill Additional and Supplementary to an Act entitled "An Act to provide for the more Efficient Government of the	

	PAGE
Rebel States," passed March 2, 1867. Delivered in the House of Representatives, January 20, 1868	153
Speech on the Purpose of the Republican Party. Delivered in the House of Representatives, July 14, 1868	162
Speech on the Bill for the Resumption of Specie Payments. Delivered in the House of Representatives, January 27, 1869	181
Speech on the Consideration of the Fifteenth Amendment to the Constitution of the United States. Delivered in the House of Representatives, January 29, 1869	189
Speech delivered at a Republican Mass-Meeting in Philadelphia, September 27, 1869	193
Speech on a Bill for the Revision of the Tariff. Delivered in the House of Representatives, March 22, 1870	201
Speech on the Reconstruction of the State of Georgia. Delivered in the House of Representatives, June 25, 1870	209
Remarks made at the Congressional Convention which met at Ridgeway, Pennsylvania, August 2, 1870	223
Speech on a Bill to Revise Relative Rank in the Navy. Delivered in the House of Representatives, January 24, 1871	228
Speech on the Amnesty Bill. Delivered in the House of Representatives, January 28, 1871	239
Speech on the Bill to amend the Several Acts providing a National Currency, and to establish Free Banking. Delivered in the House of Representatives, May 19, 1874	244
Address delivered on the Occasion of Laying the Corner-Stone of the State Hospital for the Insane at Warren, Pennsylvania, September 10, 1874	257
Speech on the Currency. Delivered at Warren, Pennsylvania, October 26, 1875	266
Speech on the Nomination of James A. Garfield and Chester A. Arthur. The Purpose of the Confederates. Delivered at Warren, Pennsylvania, June 26, 1880	275

BIOGRAPHICAL SKETCH.

GLENNI W. SCOFIELD, son of Darius and Sallie Glenny Scofield, was born at Dewittville, New York, a small village on the east shore of Chautauqua Lake, March 11, 1817. His father was a native of Stamford, Connecticut, and his mother of the city of Newry, Ireland. They had eight children,—two daughters and six sons,—all of whom received a thorough common-school education. Two of the sons became farmers, and lived on their farms on the shore of the lake; one became an editor, and published a newspaper at Painesville, Ohio; and three became lawyers, two of whom followed their profession at Carthage, Illinois.

When about fourteen years of age, the subject of this sketch, without contract or special purpose, entered a printing-office in the neighboring village of Westfield and learned to set type. He did not remain there very long, but long enough to become greatly interested in the business, and for some three or four years, at odd spells, he worked in various offices at Westfield, Mayville, and Jamestown.

During several years thereafter, with the exception of short intervals of school-teaching, he attended the academy at Jamestown, preparing for college.

In 1836 he entered the Freshman class of Hamilton Col-

lege, at Clinton, New York, from which he was graduated in 1840, and from which in after-life he received the degree of LL.D.

While in college he was obliged to borrow considerable money. To discharge these debts, he spent two years, after graduation, in teaching; the first year in Fauquier County, Virginia, and the second, as principal of the academy at Smethport, Pennsylvania. While teaching, he studied law. Having earned money enough to free himself from debt, he surrendered the academy, entered a law-office, and pursued his professional studies until December, 1842, when he was admitted to the bar. Soon after, he began practice at Warren, Pennsylvania, in partnership with the Hon. C. B. Curtis. This partnership, which was formed and dissolved at the instance of Mr. Scofield, continued about six years.

November 20, 1845, he was married to Miss Laura Margaretta Tanner, the daughter of Archibald Tanner, a retired merchant of great prominence in that part of the State. Four children were born of this marriage,—two sons and two daughters. One of the sons died in early infancy, and the other is married and resides in Warren. One of the daughters died February 17, 1887, and the other resides with her mother.

In 1846 he was appointed, by the Attorney-General of the State, District Attorney for Warren County, and held the office during the remainder of Governor Shunk's administration.

In politics Mr. Scofield had always acted with the Democratic party. Devoted, however, to his profession, he sought no place outside of it; but in 1849 he was nominated, with-

out his knowledge or consent, by the Democratic convention, as a candidate for the Assembly. Success seemed improbable. A proposition had been made to remove the county-seat from Warren to Youngsville. The proposition aroused very deep interest. Excitement ran high, overriding all party questions. Carter V. Kinnear, a prominent Democrat of considerable wealth and personal influence, had already been nominated by the advocates of removal, and L. D. Wetmore, a very popular young man, opposed to removal, had been nominated by the Whigs. The uncertainty of the situation and the anxiety of the managers for party success induced the Democratic convention to overlook the merits of several contestants, who had become somewhat embittered against each other, and select an outsider. Mr. Scofield was elected by about four hundred plurality, and was re-elected the following year.

During his legislative term he took a prominent part in all the important business of the House. At that time the debates were not regularly reported, and but few of his speeches have been preserved. But in the winter of 1850 an amendment to the Constitution, providing for the election of judges by the people, was before the House, and an enterprising newspaper reported and published a portion of the debate, including a speech by Mr. Scofield in its favor. The speech was extensively circulated, and contributed largely to the success of the amendment in the House and before the people.

Having served the two terms in the Legislature, Mr. Scofield returned to the practice of the law. Indeed, it had been scarcely interrupted by his legislative duties. When first elected, he formed a professional partnership with W. D.

Brown, a promising young lawyer just admitted to the bar. This partnership continued until Mr. Scofield was forced, by Congressional duties, to relinquish the practice, except occasionally to aid in the trial of important cases.

Although Mr. Scofield had always acted with the Democratic party, he was, nevertheless, an earnest antislavery man. While in college he was a member of an antislavery society organized by the students. At that time, and for many years after, the slave power had not acquired control of the Democratic party, and persons with antislavery opinions were tolerated within its ranks. He advocated the Wilmot proviso in its day, opposed the repeal of the Missouri compromise, the enactment of the fugitive-slave law, and the whole brood of pro-slavery legislation. These opinions, finally, drove him into other political associations.

In 1856, at a public meeting in his county, he formally renounced allegiance to the Democratic party, although he had retained for some years only a nominal connection with it, and thereafter joined with his neighbors in organizing the Republican party. He would have made this severance long before, but other existing parties did not suit him much better. The Whig party, though less dominated by the slave power than the Democratic, was heavily weighted with pro-slavery influence; and when, on this account, its disintegration began, the "Know-Nothings," to whom he was stoutly opposed, took possession of its organization. He did not choose to join the political Abolition party, because he considered it too reckless and impracticable to be of any service in opposing pro-slavery legislation.

In order to harmonize and consolidate the political elements now gathered into the new party, it was deemed advisable to select candidates for local offices from those who had recently acted with the Whig and Democratic parties in about equal proportion. With this object in view, Mr. Scofield was nominated for the State Senate, and, in a district hitherto Democratic, was elected by twelve hundred majority. During his term of three years, he participated largely in the debates of the Senate. His speech in favor of a bill to abolish the common-law rule by which persons whose religious belief did not come up to the orthodox standard were held to be incompetent as witnesses, was extensively circulated and commended by newspapers in sympathy with its sentiments. The same may be said of his speech in favor of exempting the homestead from sale for debt; and also a speech tracing and condemning the use of Federal patronage for the propagation of slavery.

In 1861 a vacancy occurred in the judicial district composed of the counties of Mercer, Venango, Clarion, and Jefferson. A number of gentlemen residing in the district, and who expected to be candidates for election, were suggested for the temporary appointment; but Governor Curtin, unwilling to give any of them prestige in the race, tendered the appointment to Mr. Scofield, who resided in another district. He accepted the unsought appointment, and served acceptably to the bar and people until a successor was elected.

In September, 1862, Mr. Scofield was nominated for Congress by the Republican convention assembled at Ridgway, under the following circumstances. The district, which had

been newly formed, was composed of the counties of Erie, Warren, McKean, Elk, Cameron, Clearfield, Jefferson, and Forest; all of which except Erie had formed part of the old district, represented by General Patten, whose re-nomination they favored. Mr. Scofield was himself a delegate from Warren County, instructed to support him. Erie County sent a large delegation of its most prominent citizens, instructed to insist upon the nomination of John H. Walker. That county contained nearly as many Republican voters as all the other counties combined, and the delegates demanded a representation proportioned to the number of such voters. Over this question an angry contest at once arose. The Erie delegates, finding themselves out-voted, withdrew from the convention, announcing their intention to run their candidate as the nominee of Erie County, and immediately left the place. The remaining delegates were at a loss what to do. Without the support of Erie County there was no hope of success. The election was only three weeks off, and in that large territory there was no time for further conference. Under these circumstances, nobody wanted the nomination. Mr. Scofield was suggested, but he begged to be excused from a contest which must certainly be bitter and probably fruitless. Thereupon a delegate, somewhat under the influence of liquor, arose and said, "A man who is afraid to take the helm in a storm is not fit to command the ship in fair weather." Mr. Scofield was then nominated by acclamation. The bolters afterwards united with the Democrats upon a Douglas Democrat as their candidate, but Mr. Scofield was elected by five hundred majority. Thereafter he was unanimously re-nom-

inated by all the counties in the district for four successive additional terms.

Early in 1872, while serving his tenth year in the House, and when to all appearance he might have been again unanimously nominated in his district and elected by the usual majority, he peremptorily declined a re-nomination. He had fully determined to quit public life and resume the practice of the law ; but he was afterwards persuaded to run for the same office on the State ticket. It was the year in which Grant and Greeley were the Presidential candidates. At that time the election in Pennsylvania for State offices occurred in October, and a Governor, three Congressmen-at-large, a Supreme Court judge, and several other State officers were then to be chosen. With a view of making a good showing for effect upon the Presidential election, great pains were taken to put a ticket in the field that would represent all sections of the State and satisfy all factions in the party. For this purpose Mr. Scofield consented to become a candidate. The ticket was elected by a majority ranging from thirty-five thousand to forty-seven thousand, Mr. Scofield standing among the highest. This gave him twelve years of continuous service in the House.

During his term in Congress he served on the committees of Appropriations, Elections, Indian Affairs, and for six years as chairman of the Committee on Naval Affairs. He took part in most of the important debates. His speeches on the causes and conduct of the war, on emancipation, manhood suffrage, reconstruction, banking, currency, and revenue were distinguished for clearness, condensation, and apt illustration.

Many of them had a wide newspaper circulation. But his political discussions were not confined to legislative bodies. He was a favorite with popular assemblies, and in every election campaign from 1844 to 1881, excepting a few years preceding 1856, he was a prominent participant. His addresses were not confined to his own Legislative and Congressional districts, but extended over the State, and at critical elections into the neighboring States of New York and Ohio, and sometimes to other pivotal States.

In 1875, after the expiration of his Congressional term, President Grant tendered him the appointment of Commissioner of Indian Affairs. Having determined to resume the practice of law and abandon public life altogether, he declined this appointment, returned to Warren, opened his office, and for three years gave his attention to professional and private business. At the end of that time he accepted the appointment of Register of the United States Treasury, tendered to him, without solicitation, by President Hayes. He qualified as Register April 1, 1878, and held the office until May 20, 1881, when he was appointed by President Garfield one of the judges of the United States Court of Claims. This court consists of a chief-justice and four associate judges, who hold their offices during life. The court sits in Washington, and has jurisdiction of all claims against the United States founded upon contracts, express or implied.

Mr. Scofield held this position until July 29, 1891, when he resigned, by reason of his having served ten years upon the bench, and having reached the statutory age for retirement. His death occurred August 30, 1891, just one month later.

SPEECHES
OF
GLENNI W. SCOFIELD.

SPEECH

ON AN AMENDMENT OF THE STATE CONSTITUTION.

A RESOLUTION proposing an amendment to the State Constitution, providing for the election of judges by the people, passed the Legislature of Pennsylvania in 1849. Before it could be voted upon by the people its approval by the succeeding Legislature was necessary.

In the selection of members for the Legislature of 1850 great care was taken, in a quiet way, by the opponents of the Resolution, to elect unfriendly Representatives. Many able Representatives were thus chosen, among them Hon. James M. Porter, of Northampton County, formerly Secretary of War under President Tyler.

February 15, 1850, while the Resolution was under consideration, the following remarks, reported in the Harrisburg *Keystone* of that date, were made by Mr. Scofield :

MR. SPEAKER,—I had not intended until recently to make any remarks upon this Resolution. I am induced to do so now, with a desire not greater to shield it from the assaults of its enemies than to wrest it from the defence of some of its friends. In the early part of the debate, some very able and eloquent addresses left the House in doubt as to the opinion entertained by those who delivered them upon the real merits of the question ; and others, while almost conceding the Resolution to be a political blunder, were content to shelter the

votes of its supporters under the protecting ægis of the popular will. One gentleman, I recollect in particular, made an excellent speech in favor of political progress, and concluded by saying he thought the judges should hold their offices for life! That is progress in the wrong direction. Although much has since been said far more to my liking, especially by my friend from the city [Mr. Biddle], there are still some points made by the opposition that no gentleman on the other side has seen fit to touch. To these, among other things, I beg leave to call the attention of the House.

One objection strongly and repeatedly urged against the passage of the Resolution is, that it is in violation of the proviso of the tenth article of the Constitution. The proviso is in these words: "If more than one amendment be submitted, they shall be submitted in such manner and form that the people may vote for or against each amendment separately and distinctly." Now we are told that there are several distinct amendments in this Resolution, that should have been separately submitted to the people: first, will you elect associate judges? second, will you elect president judges? third, will you elect judges of the Supreme Court? and, fourth, shall they hold their offices for the prescribed five, ten, and fifteen years, or for some other terms? But if this is the correct view of the case, you cannot stop here. You must make as many distinct propositions as there are judges to be elected. The fallacy of this reasoning lies in supposing that the Constitution is to be amended in all these particulars. The classification of the judges and the terms of their respective offices are fixed by the present Constitution. There is, substantially, but one proposition in the whole Resolution, and that is, shall the appointment of the judiciary be transferred from the executive to the people? You may

sever and divide

A hair 'twixt north and northwest side;

but still, I apprehend, the several parts make but one whole. If there is no constitutional necessity for it, I, for one, am opposed to such a division of the Resolution. I do not want the judges of the County Courts elected by the people and the judges of the Supreme Court appointed by the Governor. I do not want the decisions of the people's judges sent, for revision, to a tribunal whose interest it would be to render such decisions odious; especially to a tribunal which does not wait for the statute of limitations to run upon one decision before it reverses it with another. Give us the whole or none.

Again, this Resolution provides that at the first election of the judges of the Supreme Court, in order that one new judge may be elected every three years, they shall determine, by lot, who shall take the long and who the short commissions. This, we are told, is a species of gambling, directly in the teeth of the policy of Pennsylvania, which long ago abolished lotteries and prohibited games of chance. The Supreme Court, says the gentleman from Huntingdon [Mr. Cornyn], would have to toss the copper to determine their places. As an example of what would take place, he exclaims, "Heads and tails—heads win!" I confess I felt a little startled at first. I am disposed to be a moral man, and would lay temptation in no one's path. And if the present judges of that high tribunal, whom the gentleman from Northampton has covered all over with encomiums, should happen to be elected, and from this taste of constitutional gambling should get a relish for the vice and take to poker, and if this should lead to kindred vices and they should learn to mix profanity in their classics and brandy in their water, I should never cease to regret the vote I had given. But when it occurred to me that the same thing was done in the United States Senate, and that nobody's morals suffered thereby, I felt a little easier and breathed quite free again.

This Resolution also provides that the judges, after their

election, shall reside within their respective districts. Their presence is often needed to issue writs of *habeas corpus*, and settle many questions of law that are necessary to be heard in vacation. But, it is said, they should not live among the people over whom they are to preside, lest they might hear of their suits, imbibe their prejudices, and be governed by their passions. What kind of judges do you imagine the people will elect? Things of glass that cannot be touched without being shattered? Men so frail that every breath will shake them? Why, sir, where should they reside? Would you shut them up in monasteries; make them like monks of the dark ages; fill their minds with scholastic learning, like "roots out of dry ground," and leave them profoundly ignorant of the morals, education, and habits of the people to whom they are to administer the law? Let them learn their books, to be sure, but let them also learn humanity, and that humanity whose oath is to be the channel of their knowledge and whose verdict is to inform their consciences, that humanity whose innocence they are to protect and whose crimes they are to punish.

But, again, it is said by the gentleman from Northampton [Mr. Porter] that by this Resolution the judges are to be elected on the same day with other officers, and in his judgment there should be a day set apart especially for them. Perhaps *All Saints' Day* would suit him. I have heard of men who were too good to be named on the same day with common people; but I have known very few persons that were not willing to be elected to almost any desirable office on the same day with almost anybody. It seems to me that the general election is the very time. The people are then at the polls. I do not wish an election for these officers that nobody but the politicians will attend.

But gentlemen do not confine their opposition to the particular provisions of this Resolution. They have the courage

to take the bull by the horns. They are opposed to an elective judiciary. We are told that we have learned, capable, and honest judges now, not susceptible of much improvement let who will have the selection of them. What, then, we are asked, do we gain by the change? Why, sir, I tell the gentlemen their logic is good, but their premises are bad. And I tell the gentlemen who go with me for the Resolution, but yet concede to the judiciary the high character that is claimed for it, that they concede the whole question ; for change, without improvement, is positive injury. I take the ground that there is great room for the bench to be improved, and that the people will do it. The Supreme Court has been the prolific theme of eulogy from the beginning of the debate. It is always more agreeable to praise than condemn, and it would be particularly grateful to my feelings to speak of that illustrious tribunal in the stereotyped phrases of commendation. But, sir, I have some regard for truth. I believe, and, to advocate this Resolution, I am compelled to say, that the people will elect a far better court. They will elect a court that can decide twice alike on the same question, at least. Is that done now ?

Look at the recent decisions on the subject of a new promise under the statute of limitations. A few years ago a new promise made at any time was held to be good. The law was well settled and known, not only to the legal profession but to all classes of business men. But lately, when a case of this kind came before the Supreme Court, they held that a new promise made within six years was null and void ; that a creditor who wished to give indulgence to his debtor must wait till the debt was outlawed before he could renew it. Since then their decisions have oscillated between the law as it was and the law as they made it.

Look, too, at their decisions on the competency of witnesses. I have been only a few years at the bar, but within that time

they have held that a party to a suit, by assigning his claim and paying into court all the costs that had or might accrue, could be a witness ; then, that he could not be if the assignment was made after suit was brought ; then, that he could not be if his name appeared upon record ; and, again, he was excluded if at any time he had held any interest in the matter, although he had disposed of it before suit brought and his name was not upon record. A recent decision indicates that they have faced about and are now on their back track.

Again, sir, it was the law in Pennsylvania that a man who takes dishonored paper takes it subject to all the equities that existed between the original parties. No law was better settled. But within a short time this immaculate bench has determined to change it. And what is remarkable about the case is that, in the very decision which overthrows the old law, they acknowledge that they do not declare what the old law was but what they want it to be.

Look, again, at the contradictory decisions on the power of the Legislature to submit questions to a vote of the people. At one time they declare that the license question cannot be submitted, and at another that a proposition to form a new township or remove a county-seat can. They attempt to justify these conflicting decisions by an argument that is at once a stultification of themselves and an insult to the profession.

I mention these cases not because they are solitary ones, but because they happen to occur to me as I speak. Had I looked up a brief before I arose, I should have wearied the patience of the House with their recital. Nor do I undertake to say that they have not at times improved the law ; but in such improvements they have broken over their constitutional limits and invaded the province of the Legislature. Their duty is to declare the law, not to make it. *Stare decisis* ought to be the guiding maxim of a court. It used to be translated,

“stand by the decisions,” but has now come to be translated, *stare at the decisions!* I have no doubt the people will be able to select judges that can follow their own track.

Again, we are told that to secure an election a man must attend political meetings and deliver political addresses; he must visit the bar-rooms and mingle with the “rabble” in places of popular resort; and that men of the highest order of ability and character will not condescend to such practices, and the people will be left to select demagogues for judges. If this should happen, I would as soon have the people’s *demagogues* as the Governor’s *demijohns*. The gentlemen are very much afraid of the people. They would not have the judges elected on the same day with other officers; they would not have them reside among the people; and now they would not have them mingle with the common people, whom they style the “rabble,” lest the judicial ermine should be soiled. Sir, I have associated with the common people all my life. I think I understand their sentiments and purposes much better than gentlemen who stigmatize them as a rabble. And I tell the gentlemen that, when this Resolution passes, we will elect judges who not only can mingle freely with all classes of the people and submit in good nature to their jests and criticisms, who not only can enter a bar-room with morals unstained and a church with a conscience undisturbed, but will, each of them, when he takes his seat upon the bench, be every inch a judge. The Governor has no power to select such judges. He is compelled by the usages of his party to reward partisans who, from serving him with greater zeal than they have their country, have lost the confidence of the people and can get nothing from them. He must take care of these disabled followers.

The gentleman from Huntingdon [Mr. Cornyn] says, if he were to take the stump against a candidate for the bench who should happen to be elected, his clients would stand no chance

in his court. If a judge were so far to forget the duties of his place and lend his office to such criminal retaliation, I would advise the gentleman to take the stump again and appeal to the people. I think the thunder of their rebuke would soon bring the offending judge to his senses. But the case is imaginary ; there is no such danger. Very frequently there is great strife in the election of justices of the peace. They are men who would be more easily swayed by their prejudices and passions than men whose training, education, and talents fit them for judges. Yet I never heard of a justice who undertook in this way to reward his friends or punish his enemies.

There was one sentiment uttered by the gentleman from Northampton (a gentleman whose abilities have made his corner as conspicuous as the Speaker's chair), a sentiment addressed to the Democratic part of the House, that I am not willing to pass unnoticed. "If you strip the executive of his patronage," said he, "you sever the band that holds the Democratic party together." Some one said, in the course of the debate, that we were determined to pass this Resolution blind. I was not blind when this remark was made. I am sure I opened my eyes staring wide. I fancied my ears might have deceived me ; but I find I heard correctly. He said he gave this warning to the reform convention of 1838, and he repeated it now. That there are many selfish and spoils-loving men in that great brotherhood, I have no doubt. In the throng that followed the great author of our religion many were found who sought only the loaves and fishes. Undoubtedly many such may now be found who join our ranks and adopt our creed. That they would abandon their faith to follow their fortunes I have no doubt. But the loss of such men, though it lessens our numbers, cements our union and adds to our strength. No party in this land of schools and churches can be held together by the "cohesive

power of plunder." John Tyler tried that experiment. And I am sorry to see two gentlemen who sat in his Cabinet (I mean the gentleman from Northampton and Mr. Calhoun, of South Carolina) reiterating a political maxim which that experiment so signally falsified. No, sir ; the loss of executive patronage cannot dissolve, though it may purify, the Democratic party. Good measures do not need the support of patronage, and bad ones do not deserve it.

SPEECH

RENOUNCING ALLEGIANCE TO THE DEMOCRATIC PARTY.

UNTIL 1856, Mr. Scofield acted with the Democratic party. In July of that year a Democratic nominating convention assembled at Warren. Mr. Scofield had been spoken of as a possible candidate for State Senator. At the request of several delegates, he attended the convention, and, being there interrogated as to his opinions on the all-absorbing question of slavery extension, made the following answer :

GENTLEMEN OF THE CONVENTION,—I am opposed to the further extension of slavery, and in favor of excluding it by law from all the Territories of the United States. Freemen, to the exclusion of slaves, should be allowed to make their homes on the banks of the Kansas.

While I am in favor of popular sovereignty in its broadest sense, I do not think this principle requires the removal of all obstacles to the unlimited spread of slavery. It did not demand the repeal of the Missouri Compromise. That barrier to the extension of slavery was as old as the Constitution itself. Thomas Jefferson wrote it. It was approved by the old Congress in 1784, and again in 1787. It was adopted by Congress in 1789, and Washington signed the bill. • It was re-enacted by Congress in 1802, and Jefferson approved and signed the re-enactment. In 1816 it was twice approved by

Congress and each time endorsed by Madison. In various Territorial bills, it was subsequently sanctioned by Monroe, Jackson, Van Buren, and Polk. The same principle had been repeatedly endorsed by almost every Democratic statesman in the country, including Buchanan, Cass, and Douglas. It was reserved for the present administration to discover that the Constitution would allow no obstacles to be laid in the way of slavery extension ; that the institution of human bondage, arrogant with its own power and pampered with Federal patronage, should be allowed, unchecked and unmolested, to spread its blighting curse over all the Western territory. This Compromise was not repealed because it was unconstitutional ; for its constitutionality had been sanctioned by almost every branch of the Federal courts, by every Democratic administration, and by very many of its violators themselves. It was repealed because it consecrated the plains and valleys of Kansas to freemen ; because, with the Compromise standing on the statute-book, they could not Africanize them, and thus exclude Northern white men from the land of mild climates and rich soils.

The violators of that sacred compact have ever since taken good care that no other obstacles should oppose the march of this cruel institution into Kansas. Reeder stood, like a Wilmot proviso, in its way, and, under the pretence that he had purchased lands instead of negroes, he was removed from power, indicted as a traitor in a Federal court, and hunted from the Territory by a Missouri mob, with Federal backing. Lane stood in the way. He had been a standard-bearer in the Democratic party and more than once led the Democracy to victory in his native State. He had been a soldier and stood by the side of General Taylor in the fearful struggle at Buena Vista ; but he, too, has been indicted as a traitor in a Federal court, and is to be tried by a packed jury and, if possible, convicted and hung. There were some free presses in Kansas,

and they were another obstacle to the ingress of slavery ; but they, too, were indicted as nuisances in a Federal court, the buildings demolished, and the offending type thrown into the river. Thus every obstacle to the Africanization of Kansas, one by one, has been removed.

But this is not all. On the day when the settlers were to elect a Legislature on the theory of popular sovereignty, a pro-slavery army marched into the Territory, took possession of the polls, and elected whom they pleased. This pretended Legislature assembled, established slavery in Kansas, and fortified it with the most infamous code of laws that ever disgraced a civilized State. To give greater permanency to this bloody code, they hedged in the elective franchise with such unconscionable oaths that no honest white man can vote. A Federal Governor, appointed against the wishes of three-fourths of the settlers, enforces these laws in a Federal court and with a Federal army, while the Governor whom the people chose is indicted as a traitor and now lies in a Federal prison. These cruel proceedings are not only permitted but were incited and steadily encouraged by the Democratic administration at Washington, for the sole purpose of forcing slavery upon the freedom-loving people of that Territory. This is not the popular sovereignty that I endorse.

These are my sentiments, the earnest convictions of my judgment. In the coming elections I intend my vote shall represent my principles. For this reason I do not desire and could not accept a Democratic nomination.

NOTE.—Mr. Scofield subsequently became the Free-Soil candidate for Senator, and in a district heretofore largely Democratic was elected by a majority of twelve hundred votes.

SPEECH

IN FAVOR OF ANTISLAVERY MEN HOLDING PUBLIC OFFICE.

IN 1857, Governor Pollock, who had been elected in 1854, by a combination of Whig and Know-Nothing votes, nominated a prominent clergyman, with pro-slavery proclivities, for State Librarian. Mr. Scofield opposed his confirmation in the following speech :

MR. SPEAKER,—The slave interest of this country has marked out its course, and for many years has pursued it with a steadiness and courage that the friends of freedom ought to imitate. The introduction of a black servile race into the Territories of the West, to the exclusion, so far, of white laboring freemen ; the seizure and annexation of Cuba, for the sake of its negroes and negro representation in the national counsels ; the conquest, Africanization, and final annexation of portions of the Mexican and Central American States, are the leading ends at which, for the present, the slave power directs its extraordinary energies.

To prosecute these schemes with greater success, it has issued its injunction of silence. Free discussion is the friend of right and the foe of wrong, and therefore the Cotton King has laid his embargo upon it. The decree has been made and put upon the records of the country that upon the subject of slavery there shall be no agitation, either in Congress or out of it.

Newspapers may discuss tariffs, temperance, books, and schools, but the great institution, once called peculiar but now baptized national, like the sacred dead, must be named only to be praised. Upon this subject, too, the pulpit must be silent. It may search the world for other crimes to condemn. It may denounce the idolatry of India, the polygamy of the Turk, the licentiousness of France, or the dogmas of Rome; but the great home sin must be allowed to exist and expand uncondemned.

The enforcement of this decree within the limits of the fifteen States over which the dark curse hangs is easy. The press, the pulpit, and the stump belong to the oligarchs. The interest of the laboring white man is represented by neither. The disgraceful statutes against discussion are scarcely needed there. The man who speaks or writes for the white laborer is mobbed or murdered. But in the sixteen white States this antirepublican decree can only be enforced by proscribing its opponents. The Federal arm, guided by the slave power, is, therefore, put forth to crush out discussion. No man disloyal to this power, be his love of the country and the Constitution, his integrity and talents, what they may, can hold an office, high or low, under the general government. Look over the long columns of the Blue-Book, from cover to cover, and you will not find the name of one single outspoken antislavery man on its pages. A disunionist and a Jesuit may sit in the same cabinet. A filibuster may represent us abroad, and a hoary polygamist govern a Territory at home. He who seeks to embroil other countries, he who seeks to dismember our own, he who corrupts our simple faith with the fallacies of Rome, and he who introduces the pollution of the harem for the purity of family and home, has his name written in the Blue-Book; and all sleep sweetly in the same political bed. Those who hold to the doctrines of Jefferson and utter them, despite the Cincinnati decree, are alone proscribed.

The same proscription controls the patronage of this Commonwealth wherever the allies of the slave aristocracy have power. From all the offices along the lines of your public works, and from all the departments around this Capitol, where the slave power can reach, freedom-loving men are excluded.

The same proscriptive influence bears equally strong upon the pulpit and all other public positions. Russian silence is not only commended but commanded to all. The minister of the Gospel who exposes the sins of slavery as he does other sins is made to know that the penalty of fidelity to his calling is a thinned congregation and a diminished salary. Within a few months a clergyman, distinguished alike for his purity, learning, and eloquence, was found guilty of violating the Cincinnati decree in the cotton-crushed metropolis of our good old Commonwealth, and was driven from his pulpit like a heretic. In good time, no doubt, his place will be occupied by some man who believes, with Falstaff, that paying discretion is the better part of Christian valor; and who, avoiding all practical remarks, will magnify the exceeding "sinfulness of sin," or wander back to early ages, and thunder hell after antediluvian sinners, who, according to orthodox teaching, were long since cast into that sulphurous pit. Hereafter that pulpit will know no higher law than that which bids us hunt down, refetter, and return to cruel and unpaid toil the escaped Christian bondman.

We are told that this nominee has taken good care of the books; that he has neither stolen them nor permitted others to steal them. That is commendable. Any honest man would have done the same. I prefer no charge against him. I place my vote on higher grounds. I would give this office, and all others that I could control, to the proscribed class, until a fair proportion, according to their numbers, talents, and patriotism, were called into the public service. Many competent persons of this class desire this place. There was another clergyman

who would have accepted it. He was an accomplished scholar, but not more distinguished for his learning than for his piety and general worth. But he had violated the Cincinnati decree. In denouncing the sins of the world, he did not remember to forget the traffic in the live bodies and souls of men. When he remembered the oppressed of other lands, he did not forget the fettered humanity of his own. For this he is proscribed. Not so his successful rival. He has been more discreet. He does not pain the sensitive ear of slave-breeding chivalry with untimely remarks on their unchristian trade. It is doubtless true, as his supporters now assert, that thirty years ago, with the unselfish enthusiasm of youth, he pointed out the wrong and sin of slavery ; but it is equally true that this enthusiasm is now chilled by the cautious and politic wisdom of age. He respects the Cincinnati decree. He is on the favored list. If he wants office, the whole slave-directed patronage of the country is on his side. His proscribed rivals must look to us alone. I must vote to proscribe proscription, and therefore against confirmation.

SPEECH .

ON THE RELIGIOUS DISABILITY OF WITNESSES.

IN 1858 the following bill was pending in the Legislature of Pennsylvania :

Be it enacted, etc., That no person shall be held incompetent to give testimony on account of his religious belief, but evidence thereof may be given as heretofore to affect his credibility.

When this bill was under consideration in the Senate, Mr. Scofield said :

MR. SPEAKER,—The Supreme Court of this State, in *Cubison vs. McCreary* (2 Watts & Sergeant, 262), has declared the government standard for religious faith. It is belief in the future punishment of crime by the direct interposition of God. No person whose creed falls anything below this is allowed to testify in a court of justice. No matter how high the character of the witness for truth, honesty, or morality ; no matter how sound his judgment or correct his opinions on other subjects ; no matter how strongly the public interest demands his evidence, to shield the innocent or expose the guilty ; if, in the wilderness of creeds, he has had the misfortune to adopt a sentiment on the subject of religion less orthodox than the legal standard, he cannot testify. The rule makes no exceptions. It does not exclude a common liar, nor a common drunkard, nor an unsentenced criminal, however

dark his crime. There is no depth in vice, if the required creed is professed, that excludes a witness ; no height in virtue, if that creed is doubted, that admits him.

Although this is the law, it has never received the sanction of the Pennsylvania Legislature, nor, so far as I know, the abstract approval of a Pennsylvania court. It came to us from abroad, ready made. The country of its origin is widely separated from ours, but by no greater space than is the spirit and theory of this rule from the spirit and theory of our institutions. It originated when religion was propagated by the dungeon and rack, and comes down to us through an age in which heretics were burned and witches hung. It has been suffered to linger in the unwritten law of tolerant America, long after these harsher but kindred modes of conversion have been condemned and abandoned.

Judges, lawyers, and litigants have alike experienced the great inconvenience of this rule. It often closes the lips of a most credible witness, when private interest and public safety demand that they should be opened. Men who have witnessed the commission of great crimes, or who have been chosen to remember important private contracts, are often driven from the witness-stand by this proscriptive and useless law. When the unsworn word of such men would not be questioned outside the court-house, their solemn affirmation could not be heard within it. Crime must go unpunished here, because the witness of it believes it will hereafter. A suitor must be sent to another world for justice, because his witness believes he should receive it in this.

The objections urged against the passage of this bill may be arranged under three heads. I will give a word of reply to each.

First, it is said that the evidence of a witness who entertains unsound sentiments on the subject of future punishment is not entitled to full credit. The bill itself is an answer to

this objection. It does not propose to put the oath of a sceptic on a par with that of a believer in the Christian religion. No doubt, the fear of future punishment and the hope of future reward strengthen all virtue in the hearts of men. No doubt, the oath of a witness who believes that all his acts are noted for future judgment should be taken with greater confidence than that of one who expects his sin will be followed only by the uncertain tribunals of earth. The bill, therefore, provides that, while the witness shall be heard, his unbelief may be proved. His evidence shall go to the jury, but it may be disparaged by the accompanying proof of his erring creed. Thus the credibility and not the competency of the witness is affected by his mistaken faith. A practical jury can give the evidence such weight as it deserves.

Second, it is said that the existing disability has a tendency to restrain the expression of sceptical opinion. In point of fact, this cannot be true to any considerable extent. The existence of such a disability is but little known, and, when known, but little cared for, by those whom it was designed to influence. It is not a rule of every day's practice. It is brought up only when no other stratagem of the law will avail to suppress the truth. It then becomes known to a few attendants of a particular suit only after it is too late to have the supposed restraining influence, but just in time to prevent the disclosure of important truth. But suppose it had the effect to the fullest extent claimed, is it perfectly certain that the suppression of erroneous sentiment through legal compulsion is a desirable thing? Disabilities and penalties may produce acquiescence, but conversion, never. It changes an infidel into a hypocrite; or, rather, it superadds the sin of hypocrisy to that of infidelity. Would society or religion profit by the change? A wolf in sheep's clothing is the more dangerous from his harmless exterior. There is not much danger from the "great father of lies" himself, so long as he

goes about like a "roaring lion." It is when he assumes the guise of the serpent that his mission of evil to the human race is most successful. In this disguise error was first preached in Eden, and in this disguise it is most successfully preached still.

The third and last objection is rather one of form than of substance. By the oath usually administered, the witness calls upon God to note his testimony and hold him accountable for its falsity at the "great day." Now, it is said that, if you so far relax the rule as to permit persons to testify who do not believe there will be a "great day," in which God will distribute rewards and punishments according to the deeds done in the body, the present form of oath will not be appropriate. I thought we were discussing a principle,—the propriety of modifying a rule of evidence. I thought we were considering whether a little change of this rule might not enable courts of justice to elicit some truth now suppressed, and, if so, whether it could possibly encourage infidelity. But it seems the opponents of the bill are contending for the sanctity of a form. I have been told that when the bill to abolish imprisonment for debt was under discussion in these halls, and when the arguments against that humane measure had been successfully replied to by its friends, an old justice of the peace took the floor in opposition. He said the form of an execution concluded, "for want of goods and chattels, take the body." If the non-imprisonment bill should become a law, this old form would be destroyed; you could no longer say, "take the body." He implored the House to defeat the bill, not because it was wrong in principle, but for the sake of the concluding line in the blank execution. So it is now. When the rule of exclusion cannot be defended on principle, we are asked to stand by it for the sake of the form. Fortunately, we have another form of oath almost as old in Pennsylvania as this. It is a simple affirmation to tell the truth. It is familiar to the courts, is now used by many conscientious and

religious witnesses, and has attached to it the same legal penalties for its violation.

But aside from the practical inconvenience of this common-law rule, it is repugnant to the great principle of American toleration. The first article in the amendments of the Constitution of the United States declares that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press." The Constitution of Pennsylvania provides "that no human authority can, in any case whatever, control or interfere with the rights of conscience." The right of every man to think what he pleases, and utter what he thinks, free from penalties and disabilities of every kind, trusting to truth and reason to triumph, in an open contest, over error and wrong, is the most valuable of all our liberties. It is a great constitutional right. This more than anything else distinguishes this country from countries controlled by arbitrary power. No despot imposes physical restraints upon his subjects. He allows them to trade, travel, labor, and gratify their animal wants, with perfect freedom. It is the right to think and utter their thoughts that is denied them. Under such government no unlicensed lip or uncensored press can be heard. The minds, not the limbs, are manacled. The insurgent conscience and the rebel thought alone wear the imperial chain. The very persons who insist most upon enforcing this disability upon a portion of their fellow-citizens here, if residents of such other countries, would themselves be subject to still greater disabilities, under a similar mistaken zeal for some established religion.

In this country we have endeavored to unfetter the conscience. We have agreed that there should be no government church; no creed should be established, but all allowed. We have incorporated that principle in our Constitution, both State and national. Under its protection every man satisfies

his conscience, in the great American temple, in his own way. Religion wins its converts only by its excellence and truth. The church claims no involuntary tribute and presses no unwilling worshipper to her altar. Yet in no country has the Christian religion taken such strong hold of the minds and hearts of the people. The church needs no law forbidding men to be atheists and deserves none compelling them to be hypocrites.

SPEECH

ON THE EXEMPTION OF THE HOMESTEAD FROM SALE FOR DEBT.

IN 1859 a bill was pending in the Senate of Pennsylvania providing for the exemption from execution of property, to be selected by the debtor, to the value of three hundred dollars. Mr. Scofield moved an amendment, providing that the dwelling-house of the debtor, not exceeding five hundred dollars in value, should also be exempt, and in support of it made the following remarks:

MR. SPEAKER,—The policy of exemption, so far as it now goes, is to leave to the debtor the absolute necessities of life. The same policy should, certainly, spare the family roof. Many articles exempted under the old law might possibly be dispensed with; but a dwelling-house of some kind must be had, at all events. If the policy of any exemption is well founded, the poor man's home, which comes clearly within its reason and spirit, should certainly be free. But while the principle, upon which all exemption laws rest, would leave, to an unfortunate family, a small habitation, as an object of first necessity, there are some reasons in favor of the measure that do not apply to any other species of property. A dwelling-house is always accommodated to the size, arranged and ornamented to the taste, of a particular family. In this respect it is unlike a store, shop, or tavern. These are planned,

not to suit a particular tradesman, but a particular trade, and are as suitable for one person carrying on such trade as another. Experience shows that this kind of building will generally sell for more than cost, while a dwelling-house is often sold at a ruinous sacrifice. The family residence, like family portraits, is far more valuable to the owner than to any one else, and when forced to sale, though the purchaser may not be enriched, the unfortunate debtor is left poor indeed. It is more or less a sale of all the attachments and affections which the whole household cherish for their old haunts and home. It has been to them not only a shelter but a depository of many cherished associations. The tree they have planted, whose germination and growth they have watched and watered, has to them an ideal value. If you drive them from it, you deprive them not only of its shade but the mental satisfaction with which they regard it as the product of their care. The vine that spreads over the hovel its protecting and beautifying green clings not more closely to its rude support than do the affections of the child it shelters to the objects of its first familiarity. This home attachment never chills. The child, grown to manhood, and wandering where he may in new pathways of life, will pause, even in the busiest moments of ambitious prime, and turn a pensive thought or reverent step to this first Mecca of the mind. These sentiments exist in the coarsest heart; and I submit to the Senate whether it is good policy, to say nothing of humanity, to turn these amiable traits in the human character to articles of merchandise.

In opposition to this measure, it is said, we cannot build men houses by legislation. No, sir, but we can do much to encourage their acquisition. Place the family residence beyond the reach of chicane or misfortune, and you stimulate the idle and thriftless to habits of labor and economy. The present proverbial uncertainty of fortune is a great discour-

agement of human exertion. Now, industry knows not whose overgrown estate its acquisitions may finally swell. The hand that plants a tree knows not what unbidden stranger may enjoy its shade. The household whose united efforts might earn a common home knows not how soon simplicity or mismanagement in its legal control may expose it to the exactions of credit or of craft.

Cannot give poor men homes by legislation ! Sir, it is by a long course of adverse legislation that the poor are deprived of their portion of the earth. It is because the books overflow with legislation that authorizes and encourages land monopoly that the *million* has not a place to rest the sole of his foot nor a turf to cover his grave, except by leave of "my lord." There is space enough in the world for all, and plenty to spare. Naturally, we are but tenants in common on its surface. Naturally, each person has an equal right with his brother to a spot on which to pitch his tent and erect an altar,—to ground in which to plant and gather his harvest during life,—and in whose familiar dust his ashes may sleep when life's fitful fever is over. It is because this natural right has been legislated away ; because a single man is authorized by law to draw an imaginary line around whole leagues of land and hold it away from the world, that the child of want is compelled to "beg his lordly fellow-worm to give him leave to toil."

We have twenty-four millions of population, and yet, the census informs us, that less than one and a half millions have any interest in the soil. Except what still belongs to the government, this million and a half have monopolized the whole of this magnificent country. Between the Atlantic and Pacific there is not a single foot of ground upon which a poor man may rest and say "it is mine." Over every hill and valley, prairie and plain, the ægis of ownership has long since been spread. In some degree this unnatural state of

things is the result of legislation, and in some small degree liberal homestead exemptions will correct it.

Again, the State has an interest, aside from that of the debtor, in the enlargement of the number of freeholders within her limits. Bound, by interest, to the soil they cultivate, they become the natural supporters of the government which confers and protects their titles. The land-owner, unlike the capitalist, cannot fly with his property, nor change it with the shifting government and laws. His safety lies in the stability of law and good order in society.

The Commonwealth should not allow her humblest citizen to be driven to extreme poverty by the remorselessness of creditors. God prescribed limits to the persecution of his servant, and the Commonwealth should prescribe the line beyond which the pursuit of her honest poor should cease.

Again, we are told that the rights of creditors should be respected. Very true, but what wrong is done to creditors by the proposed exemption? It is prospective in its character. No contract can be affected by it, except those made after its passage. Suppose, at the time a credit is given, it is stipulated by the parties that, in case of failure in payment, the creditor should have no lien upon the dwelling-house of the debtor, would any one say that upon the happening of the contingency provided for the creditor should be allowed to violate his contract and drive his unfortunate debtor into the street? I presume not. Yet parties contract in view of the existing laws of the State, and in legal contemplation such laws are as much a part of the contract as if drawn up at length and inserted in it. Will it be claimed that the creditor may violate his implied any more than his express contract? If not, in what respect is he injured? So far from being injured, the general class of creditors would be benefited. There is no wisdom in the law that strips the failing debtor at once. For, from that time, however numerous or honest his debts, he pays

no more. Driven from his fireside and compelled to seek a home in new and changing places, his ambition and energy are gone. His lessened earnings are absorbed in rents, if not wasted in dissipation. The inheritor of suffering knows not that there is a cup of happiness he never tasted. Man, schooled to want, may bear its hardships with a callous heart; but failing affluence and forced insolvency wear a heavier chain. The child always homeless may forget his sorrows on the pillow of occasional charity, but one cast upon the world by fresh misfortune rarely finds an easy pillow till he rests at last on the bosom of mother earth. Real want and fancied shame pursue him to the end. Let the homestead, unless one of fraudulent extravagance, be held sacred by the law. Let no servant of exacting credit come within its gates. Let it be made what the law now erroneously declares it, the owner's castle.

SPEECH

ON THE ABOLITION OF SLAVERY.

IN February, 1864, the United States House of Representatives, in Committee of the Whole, under the rule for five-minute speeches, took up for consideration the Conscription Bill, which provided, among other things, for the enlistment of colored men, both bond and free.

This provision provoked a great deal of opposition, particularly from Representatives of the border slave-holding States, many of whom were earnestly in favor of the war but strongly opposed to meddling with slavery.

Brutus J. Clay, a Representative from Kentucky, held these views, and had several times pressed them upon the attention of the committee. To him Mr. Scofield replied as follows :

MR. CHAIRMAN,—I wish to commend to the gentleman from Kentucky—I mean the one who bears the name most honored in that State [Mr. Clay]—the philosophy of Macbeth. We are in the midst of emancipation,—

“Stept in so far that, should we wade no more,
Returning were as tedious as go o’er.”

Suppose that slavery is the defensible institution its friends claim it to be, suppose even that it is a beneficent institution,

there will come a time perhaps, in the increasing pressure for emancipation by a large portion of the American people, when it will become those most interested in negro ownership to consider whether restoration is not more difficult, more expensive, and more dangerous even, than total abolition. I submit to my friend that that time has already come. If abolition were madness at one time, it may become good sense and sanity at another. Sometimes it is wisdom to pursue a path upon whose unknown and threatening dangers it were folly to enter. Emancipation has already made considerable progress. Shall we go forward or return? We are near the middle of the stream; which shore is nearest and safest?

I have always understood, the slave-holders themselves being witnesses and judges, that there were two conditions necessary to the existence of slavery on this continent,—to wit, non-instruction to the slave and non-discussion by the white man in localities where it exists. These are acknowledged to be the two safeguards of slavery by the statutes of every slave State, whereby ignorance is commanded to the slave and silence to the white man, with penalties which seem to us at the North to be unnecessarily severe. If anywhere the law is at fault in enforcing these conditions, the mob supplies the deficiency.

I do not mention these things now to complain of them, but only as an evidence of the depth and sincerity of the belief of the slave-holders that these two conditions are necessary to the safety and prosperity of the institution.

These safeguards have been wonderfully broken down by the necessities and opportunities of the war. Commencing with the District of Columbia, following around the eastern and southern coast, up the Mississippi, and all along the northern borders, slavery is, even now, surrounded by a cordon of missionary schools for the black man. In these schools the slaves of all ages are taught not only what can be learned from books and maps, but also that they are, and of right

ought to be, free ; made free by the laws of God, the Declaration of Independence, and the President's Proclamation ; and that it is a duty they owe to God, to the fathers, and to the President to maintain that freedom. I am not now speaking to justify or condemn these schools. Call it fanaticism, madness, or incendiarism, as you like. I speak only of the fact.

But there is more,—better or worse, as you please : one hundred thousand of these slaves are now in the Union army, and one hundred thousand more will be there by spring. The army is a great school in which to learn and to unlearn : to unlearn submission and docility to their master, and to learn the value of freedom and the power of association and organization to defend it. When God shall please again to bless this land with peace, shall the negro lay aside his military belt and resume the master's collar ? If the country would allow it, the master would not. He would as soon introduce to his plantation a person charged with some fatal infection as his former slave, now imbued with a foretaste of freedom, educated to read and write, familiar with the antislavery sentiments of the North, and inspired by his soldier life with the self-respect and courage of a freeman. The master might covet his industry, but he could not abide his *demoralization*.

The other safeguard of slavery, the silence of the white man, is broken also. Discussion has opened in all the border States, and can never again be hushed.

(Here, the five minutes having expired, the hammer fell.)

SPEECH

ON THE PROPOSED DIVISION OF THE REPUBLIC.

Delivered in the House of Representatives, February 24, 1864.

THE House being in Committee of the Whole on the state of the Union, Mr. Scofield said :

MR. CHAIRMAN,—My colleague [Mr. Dawson] who addressed the House this morning, informed us that it was just eight years since he had spoken here before. I knew that, not because I have followed his personal history, but I knew it by the tenor of his speech. He must have turned down a leaf just eight years ago, and begun to-day where he left off then. The speech might have been appropriately made during the earlier years of the administration of General Pierce. I wish to remind him that the question involved in the struggle now furnishing so many sad pages for history is a question of division : “ Shall the great republic be divided into two small ones ? ” That is the question now before the country. Those who took the affirmative of this question in the first place took up arms with which to defend it. They knew they could not maintain it in debate. They knew they could never satisfy the American people that a government always so tender of the interests of its poorest citizen, and so strong to defend him, could be as useful when divided into two nationalities not more than half as strong, territorially

ill-shaped, and politically hostile. They did not try, but haughtily said to the country,—

“Think of division as thou wilt,
We try the question hilt to hilt.”

They gave but one reason for it. They said that some people—I believe they said a great many people—had spoken unkindly of their system of labor. That was all. They did not state it in that concise form; but, when all their complaints and reasons are analyzed, they amount to that and nothing more. I defy any gentleman to point out any other reason given by them for the position taken. But do not misunderstand me. I do not mean to say that so large a number of gentlemen, talented as we know, honest as we formerly thought, were moved to espouse disunion from a trivial motive. Their motive was as I have stated it to be; but, in my judgment, it was very far from being a trivial one. They wished to preserve that system of labor. Why? Because they had two billion dollars in it. They had more than that, for I believe they were never distinguished as an avaricious people. Their aristocracy, family pride, political power (a great item), their habits of life, and, what is as valuable to them as anything else, their cherished vices, ease, and idleness, all were in it. Of course they wanted to preserve it. They knew, however, that the institution was founded in wrong, and could not bear to be talked against. In a free forum it must go under. An iceberg breaking away from the pole and floating down into warmer latitudes gradually loses its frigidity, and dissolves in the warmer elements around it. So slavery, originating in the barbaric periods of the world, and floating down to this benigner age, was beginning to melt away in the warm breath of debate. To preserve slavery, therefore, debate must cease, or slavery be taken out of hearing.

Silence or secession seemed their only alternative. When silence could not be obtained they chose secession.

I know some other things were said. I know they said that the North would not turn out, with constitutional alacrity, to catch and return their fugitive bondmen; but these, like other similar complaints, were rather incidents of the main trouble than original causes of dissatisfaction. They were thrown out only to catch the minnows found in the great ocean of Northern politics. The great leaders cared nothing for this small percentage of loss, smaller than in many other kinds of investment. They cared nothing for the few leaves that were, here and there, detached and lost in the ordinary breeze; it was the little streams of thought that were slowly washing the soil away from the root of the tree that alarmed them. Therefore, while we of the North talked about walling slavery in, lest freedom should be contaminated, they were considering how to wall freedom out, that slavery might remain pure. They decided upon disunion. They stated their purpose clearly, and took a name that indicated it honestly. They called themselves disunionists. They even pointed out the line where the surveyor should blaze the trees, and separate the free from the slave republic. They kindly gave to the twenty or thirty millions of unmixed white population the sterile hills of New England, the bleak shores of the lakes, and the head-streams and flat-boat navigation of the Mississippi. The body of the Mississippi, with its stream of commercial wealth, unfailing as its own waters, the long Atlantic and Gulf coast, the vast country lying below Pennsylvania, Ohio, and Iowa, and stretching westward without limit, embracing the soft climate and warm soil of the South,—all this, said they, we will take for the master and his slave.

Thus the issue was made up on the one side. There was no alternative left for the other. Those opposed to division were compelled—you will remember how unwillingly—to

take up arms and submit the cause of the Union to the chances of battle. They organized under the appropriate name of the Union party. The old flag was hoisted, the long roll beaten, and the opponents of division everywhere called upon to "fall in." Straightway, then, began some to make excuses. Says one, "I am opposed to division; but coercion is unconstitutional; I pray you have me excused." James Buchanan said that in his last annual message. Says another, "I am opposed to division, and I think coercion is constitutional, but I believe it is impracticable. I think the United States is not strong enough to put down a rebellion so extensive, and led by men of so much ability, pride, and courage. I cannot, therefore, join you to try. I pray you have me excused." Says a third, "I am opposed to division, and I believe that coercion is both constitutional and practicable; but there is an easier and better way: you can compromise. They only ask you to cease talking against slavery, and if you will not agree to do that, I, too, shall ask to be excused." And so these three classes, each for a different reason, moved off by themselves, and formed the nucleus of what subsequently became a great party of neutrality, observation, and criticism. It was said the other day, by the gentleman from Kentucky [Mr. Smith], that there were but two parties in this country, patriots and traitors. I beg leave to differ from my friend. I think there are three, patriots, traitors, and neutrals. But I will not quarrel with him if he should say, as I think a high-spirited Kentuckian would, that he had more admiration for the mad courage of treason than for the mean cowardice of neutrality.

Let us pause here to answer the question sometimes yet asked, "Why did you not compromise? If they only wanted you to agree to cease talking about their system of labor, why did you not agree?" It was not lack of dough: we had, I am ashamed to acknowledge, dough enough to make a whole

oven-full of compromises. It was not because the Unionists were not pliant, but because the disunion leaders were not fools. They knew that a contract for silence could never be enforced, unless your republican government was converted into an absolute monarchy. What is a republic, except the right to think and to express your thoughts by your voice and your vote? These leaders knew that talk would go on in spite of contract, and therefore they did not ask and would not accept your worthless parchment. They had tried it. They had the Atherton gag and the Democratic and Whig resolutions of 1852, forbidding discussion, and the whole power of the Pierce and Buchanan administrations to enforce their views. Former administrations, although much devoted to the interests of slavery, found time to attend to some other matters. Polk, I think it was, explored the "Dead Sea" of the Old World, and Fillmore sounded the depths of a deader sea at home for himself and his party; but Pierce and Buchanan devoted themselves entirely to this single purpose. They put on the master's collar and wore it as a thing of honor, and never seemed prouder than when they saw their Southern friends spelling out the inscription, "This is Gurth, the bondman of Cedric the Saxon." These influences were ably wielded by an experienced corps of slave Representatives in these halls and around this Capitol. They were men that combined the opposite qualities of gentleness and severity, so fitting to a leader. They knew how to win the bold and overawe the timid. They were gentlemen among bullies and bullies among gentlemen. But with all these powers combined, they could not close the mouth—will it please you any better if I say fanatical mouth?—of Wendell Phillips alone. And so they spurned your too pliant offer.

Three years have passed,—years fraught, as it seems to us at a distance, with great ruin to the South, with loss and heavy sorrow, as we know, to the North. How stand the three par-

ties now? The disunion emblem is still upborne, less firmly than at first; and the area on which its hateful shadow falls is two-thirds less than in the beginning. Still it flies its signal word—"division." All the proclamations and messages of Davis, his governors and generals, all the laws and resolutions of his Congress and State Legislatures talk of nothing, ask for nothing but division. Will the gentleman from New York [Mr. Wood], who talks to us so much about peace, take notice that in all those official documents, if they can be called official, division is the only aim and end proposed?

How stands the Union party? Well, sir, our flag, I believe, is still floating, held more firmly than in the beginning, sustained by the courage—no, sir, that is not the word I mean, exactly; by the patriotism of the American people—and that is not the word I want to express my particular shade of meaning; it is upheld, I believe, by a stronger sentiment than courage or patriotism,—by the sense of duty and stern conscience of the American people. And if you want to find which is strongest, pride and courage on the one hand, or conscience and sense of duty on the other, read the history of the Cromwellian war, and you will learn that the proud Cavalier had to yield in the end to the conscientious Roundhead. And so it will be now. The motto of the Union party is the same as it was in the beginning. We unite the language of Jackson, "The Union—it must and shall be preserved," and the language of Webster, "Liberty and Union, now and forever, one and inseparable."

But where stands the neutral party; the party of "ifs," "ands," and excuses? Have you been here for three months now, occasionally presiding over this House, and do not know that there they stand [pointing to the Democratic side of the hall] as they stood three years ago, occupying the same position of bloodless neutrality? They have not changed their ground, though they give a different reason for holding it.

They do not now say that coercion is unconstitutional. They do not now generally say that it is impossible, nor that anything you can give to the rebels by way of compromise will make their condition any better than it was before they rebelled. They generally concede that the rebellion must be suppressed by force of arms, or the Union be divided. But they say the President is always so unfortunate as to select unconstitutional means to effect what they now see, though they did not at first, is a constitutional purpose. And so they remain spectators; spectators in a war which involves the life of this nation and the fortunes of forty millions of people whose interests are associated with it. More than that: it involves the fortunes of the oppressed and middle classes all over the world; for ours is the world's representative republic. But, to do them justice, I must say they are not indifferent spectators. There they stand, glass in hand, or "nose all spectacle bestrid," looking anxiously for some mistake in council, or some disaster in the field, which will fulfil their evil predictions and justify their position of neutrality before the world. Their music is a line of "Yankee Doodle" and a half-line of "Dixie," filled out with the "rub-a-dub-dub" of complaint and evil prophecy.

But, although neutral, they are not idle. They have a great deal to do. They have to see that this war is conducted with Christian tenderness on our part, though met with savage atrocity on the other. They have to see that treason-tainted, slave-earned wealth escapes confiscation, though it impose a heavier burden on the honest earnings of loyal men. They have to see that your credit is decried, and the taxes necessary to support it denounced, and then to complain to the country that "legal tenders" are not equal to gold. They have to see that a favorite general has an unlimited and untrammelled command, and that he is not held responsible for opportunities neglected or battles lost. They have to see that all possible—

at least all constitutional—objections are thrown in the way of the exercise of the elective franchise by the Union soldiers in the field, and that the freest elections are secured to the unpardoned secessionist in the rebel and border States. They have to see that practical amalgamation goes on undisturbed by any unconstitutional interference with the slave system of the South, while they falsely charge theoretical amalgamation on the virtuous people of the North. They have, too, to see that that portion of their followers who overestimate the abilities of the negro or underestimate their own, or perhaps have a proper appreciation of both, are held to party vassalage by constant dread of negro emulation. They have to see that their weaker brethren are educated into the belief that the negro is only fit for a slave and can never be anything else; and then to distress them with apprehensions that they may yet be compelled to compete with him in the industrial and professional pursuits of life, where brains, not color, will ascribe to each his just measure of success.

These are only specimens of the multitudinous labors of this neutral organization. If I were to go on with a full catalogue, I would exhaust your patience and my strength. I want, however, to call the attention of the committee to one thing more.

The main allegation, the one always relied upon to justify their neutrality before the world, is that the war is conducted with a view of overthrowing slavery as well as the rebellion. If this allegation were true, what a position for a statesman to take; what a position for any man to take who expects to leave a name that will be remembered when he is gone, and a posterity condemned to bear it! It might do for James Buchanan, for God in his infinite mercy has provided that no child shall wear through life a name of such deep dishonor, but for nobody else. But, sir, it is not true in the sense in which it is alleged. It is not true that the war is carried on

for the purpose of abolishing slavery. Those who believe it mistake an incident for the purpose of the war, the means employed for the end desired. You might as well say when we battered down Pulaski and Sumter that that was the object of the war.

The President's great proclamation is urged in evidence of this allegation. The President saw that Great Britain was furnishing arms to the rebels. He invited that nation to desist, and accompanied his invitation with some promises and some threats. Great Britain desisted. The President saw that the slave was furnishing the rebels with food, clothing, labor, and fortifications; and he invited the slave to desist, accompanying that invitation with no threats, but with a single promise,—the promise of freedom. That is all there is in the proclamation.

MR. WADSWORTH.—The gentleman states that the object of the proclamation of emancipation was to disturb the labor which supplied the rebels with food, etc. I know that the President has given *that* as the object of the proclamation; but I ask the gentleman if that can be so, in view of the fact which he recollects, that the proclamation itself advises the slaves to *remain quiet and continue to labor for wages?*

MR. SCOFIELD.—I do not now recollect the language of the proclamation, but I do not understand that he advised them to work for the rebels. The advice given was designed to avoid apprehended insurrections. The purpose of the President was to diminish the support furnished to the rebel cause by the slave, without exposing the women and children of the South to the sufferings of servile warfare. This purpose might have been strengthened in the honest heart of the President by some kinder sentiment than a cold military policy, and if so I will leave it to others to see that he is properly denounced. It is enough for me to know that it was a master-stroke of military strategy, which no general has, to my knowl-

edge as yet, publicly condemned. As far as possible, the slave has since brought us not only his labor, but an army of one or two hundred thousand men. Who now wants this promise recalled? If not recalled, who wants it violated in the future? Who wants the colored army disbanded and sent back to their rebel masters, and white men drafted in their stead? Will you of the neutral party dare to answer these questions in the affirmative? If you carry the next election, will you violate the President's promise to the slave? Will you say to the negro soldier, "Leave the battle-fields of our country, and seek again the cotton-fields of your rebel master; your blood has stained, though not dishonored, the one; the unpaid sweat of your brow shall hereafter moisten and enrich the other?"

Again, the President saw, or rather the people saw,—for our cautious President, I am glad to say, does not attempt to do the people's thinking, and sometimes hardly keeps out of the way of the wheels of rapidly-advancing popular sentiment,—that every State redeemed from this unrepugnant system of labor was thus placed beyond Confederate desire. Such a State was considered, by the rebel builders, unfit for an edifice whose corner-stone was slavery. They wanted no free State in their Confederacy to preach antislavery by a prosperous example. They said this at Montgomery when they made their constitution, and have always said it since. We knew it was true, if they had not said it at all. If the border States become free, they do not want them in the Confederacy, while without them their territory becomes so insignificant that they do not want a confederacy.

The administration, therefore, encouraged emancipation in the loyal slave States, as the best mode of bringing the war to a successful issue. Under that encouragement slavery has been abolished in the District of Columbia and three or four States. The neutrals have opposed and denounced this progress step by step. If intrusted with the power at the next

election, they are pledged to undo all that has been so wisely done. They will re-establish slavery in the District of Columbia, and, so far as their influence will go, in all the border States. They must, to be consistent, re-enact the slave code and rebuild the slave prison, and having got all things in readiness, they must call upon their party friends, and, armed with lassos and handcuffs, start out upon a grand hunt for the emancipated and scattered bondmen.

On the other hand, the Union party have resolved that, with the blessing of God, this country shall not only remain an undivided country, but, now that the necessities of the war and the humanity of the age require it, it shall become a free country. The shadow of your flag shall never grow less, nor shall it darken the life of the humblest man beneath it. The Union shall be restored, and the United States, the simple name that Washington gave us, shall be the name and indicate the character of this country for all time to come. And it shall be a name that the poor will love and the proud fear, all over the world.

SPEECH

ON THE BILL "TO GUARANTEE TO CERTAIN STATES, WHOSE
GOVERNMENTS ARE USURPED OR OVERTHROWN, A
REPUBLICAN FORM OF GOVERNMENT."

Delivered in the House of Representatives, April 29, 1864.

MR. SCOFIELD said :

MR. SPEAKER,—The continuity of constitutional government in the seceded States has been broken, the regular transmission of political power interrupted. How shall the severed thread be joined? By the unconstrained action of the people themselves, say the gentlemen in opposition. Very good, sir. I most heartily endorse that sentiment. When the people of these States shall voluntarily ground the arms of their rebellion, and uncoerced take upon themselves the easy yoke and light burden of the ever-gentle Federal government, it will mark a glad day in these uncheerful years of our history. For one, I will be ready to hail it. I presume I may speak for my political associates: we will all be ready to hail it. Your careworn President and weary army—*weary with*, but not *of*, the battle—will be ready to hail it. The Federal arm, now raised in such terrible power in defence of the life and liberties of the nation, will fall as gently as the tenderest sympathizer will ask upon the heads of repentant and pardoned offenders. But that bright day does not yet dawn. These erring prodigals still prefer the husks of transgression to the fatted calf with which their old political allies would

entice them back to party,—perhaps to duty. Your calf has grown to be an ox, so long do they tarry in revolt; and I fear they will continue to neglect your feast until our gallant army shall bring them to their stomachs.

In the mean while some kind of government ought to be established in those States from which the hostile army has been excluded; and while we wait the return of friendly popular action there, Congress must legislate or leave the people in the rough hand of military law. This bill, designed to discharge that Congressional duty, provides a temporary government and a practical mode of State restoration. I will not enter into a criticism of its many details, for I suppose they will be generally acceptable to any one who concedes the propriety of any Congressional action. Its three prohibitions, as it strikes me, are the most noticeable and perhaps only debatable points. It prohibits the assumption of rebel debts, prohibits rebel officers from voting, and prohibits involuntary servitude.

The first I will pass by with the single remark that to assume the rebel debt would be to offer a high bounty for future rebellions, and I suppose we will have enough of this one never to want another.

I have but a word for the second prohibition. The ballot is the sovereign of this country, and if you permit these officers to vote you make them, to the extent of their numbers and influence, the rulers of the land. To-day you meet them in battle as outlaws and traitors, conquer them, and crown them your king to-morrow. If ordinary criminals are properly excluded from the polls, upon what principle of comparative justice can these men, guilty, not as subordinates or accessories, but as contrivers and leaders of a crime recognized by all governments as the highest or deepest that can be committed against human laws, ask the high privilege of the ballot, through which they may complete the ruin of the country they were not quite able to destroy in the field?

Of the third prohibition I have something more to say.

Mr. Speaker, if God shall give us victory, and enable us to subdue or scatter the army of the enemy, is a voluntary reunion of the States possible? I say *voluntary* because I suppose nobody desires a union always to be maintained by force; and I use the word *reunion* because nobody proposes a form of government different from our present system of State brotherhood. I am not now speaking of the several plans of reconstruction, for they are designed only as temporary devices, looking to a reunion; a kind of scaffolding for repairs, to be torn away when the repairs are completed. My question looks beyond the battle and beyond reconstruction. When the victory is won, if won it shall be, and the transition over, will the insurgent States *willingly stay* where they have been *forcibly put* in their old places in the old Union? It has been said by gentlemen in opposition, and it seems to me with great truth, that, as at present constituted or situated, they will not. They disliked the Union three years ago too much to remain in it, and dislike has deepened into hate by the severity of the war. They tell us that Ireland, Poland, and Hungary,—suggestive names, I admit,—after so many years of compulsory alliance, do not yet fraternize with their political associates. They still sigh for separation, and impatiently await the opportune hour in which to strike for independence. What then? Shall these States be permitted to depart? No, sir. The great republic could not survive the amputation. Shall they be retained, then, in the long future, by military force? No, sir. Our own liberties could not survive their permanent subjugation. When the Federal government becomes strong enough to hold eleven States as colonies, it will be too strong, I fear, for the people's liberties. To repeat my idea, if you allow a single stone to drop from the national edifice, the whole structure may fall; but if that stone must be held in its place by drafts upon its surroundings, supporting nothing itself, the

building were stronger without it. This brings me to the paradoxical conclusion that we can neither *allow* these States to depart nor forever *force* them to remain. How can the paradox be solved? By making them *willing* to remain, or, if this language still sounds paradoxical, I will say by removing all motive to depart. How can that be done?

Mr. Speaker, similarity of ideas is the bond of nationality. Contiguity of territory is nothing, natural boundaries are nothing, except as they are tributary to unity of thought. Ireland is indeed restless, but her restlessness is not owing to unslumbering animosities of civil wars. Such wars have been more frequent and more severe between different parts of England and between England and Scotland than they ever were between England and Ireland; and yet the people of these sections of the British empire cordially fraternize. Nor is it owing to English subjugation, for Ireland is no more subjugated to England than Massachusetts is to New York. She is a part of the United Kingdom of Great Britain, possessing the same rights as any other part, with a proportionate representation in Parliament and all departments of government. English people and Irish people do not think alike. That is the trouble. They differ in religion, a difference that more than anything else has been the cause of popular estrangement throughout the world. They have each a long independent national history, full of glorious traditions; and national thoughts and feelings, long flowing in a particular direction, cut their channels rudely, but deep, and do not readily follow new though better channels of political science. These differences of sentiment are only removed by years, perhaps centuries, of political and social intercourse. But in the case of Ireland this necessary intercourse was cut off by an intervening sea, a sea that under the old system of navigation was as wide, almost, as an ocean in our day. The same or similar things may be said of Poland and Hungary. They had even

a greater difference in language, and in the case of Poland there was a wide difference in the form of government. Having been accustomed to a kind of republic, she was placed under the control of a solid, silent, cast-iron, absolute monarchy. There is no analogy between these countries and ours. All our States prefer a government republican in form. Even the insurgent States adopted a constitution almost exactly like the one they attempted to abandon. We have the same national history. Whatever there may be in the past, either of suffering or achievement, worthy to be remembered or cherished, is the common property and pride of all the States. We follow the same fashions, speak the same language, and worship at the same altar. No mountains, no seas, divide us. On the contrary, the shape of your territory and the course of your rivers are of themselves a revelation that the Union of the States is an ordinance of God.

We have but one cause of estrangement, the difference of opinion upon the subject of slavery. Upon that subject can the North and the South be induced to think alike? Can the North be induced to sanction slavery and think with the South, or can the South be induced to abandon slavery and think with the North? Either course would accomplish the purpose. Is either practical, and, if so, which is most practical? I will not now ask which is most just. Many persons will not consider these questions, because they think there is an easier and better way. Let the North and the South, say they, agree to disagree about slavery, each section retaining and acting upon its own opinions unmolested by the other. This theory is plausible; it involves no expensive and troublesome change. I blame no one for adopting it, for I am myself one of its aforetime believers. I never could bring my mind to doubt its practicability until I actually saw the dissatisfied States go out. Even when warned in advance that these States would secede unless the North suppressed their own views of

slavery and adopted or silently acquiesced in the views of the South, I confess I was incredulous. I still believed we could hold the Union together and each section retain and utter its own sentiments. But the moment the people decided that a man holding the sentiments of the North was not thereby disqualified to hold a Federal office, secession followed. Experience, that high-priced school in which it is said the dumbest learn, has taught its lesson. The theory has failed upon trial. Each section, I know, charges the failure to the other. "You wrote and spoke and agitated against slavery," says the South, "and thus irritated and maddened our people into rebellion;" "and you," says the North, "annexed Texas and tried to annex Cuba for the sake of slavery, and insisted upon extending it to California and Kansas, and thus forced us to discuss its merits." Blame whom you please, the slave-holders, the abolitionists, or both; the fault was in the theory. It was not possible to ignore a great subject like slavery, connected, as it was, with all our business and all our politics, in this busy, thinking, many-tongued republic.

The Democratic party North that clung to this theory so long, and sacrificed to it so much of party ascendancy, acting, quite likely, from patriotic motives, are very slow to comprehend and accept its fallacy, now so clearly demonstrated, although they were the prophets of its failure. They cannot see, they say, why slavery and freedom cannot coexist in the same country. Why, sir, they can coexist, but not in a country of unlicensed presses and uncensored debates without provoking discussions on many questions of conflicting interest, and this discussion they concede—nay, they charge—provokes rebellion. The revolted States, knowing that discussion was irrepressible, and fearing that it was inimical to their institution, gathered up their slave investments and walked out of the Union, leaving their old allies doubly amazed,—amazed to see the theory in which they had so long believed fail, and

the prophecy of its failure, in which they never did believe, fulfilled. A witty Democrat, in speaking of this prophecy by one party and its denial by the other, said to me the other day there was this difference between us, "You lied when you thought you were speaking the truth, and we spoke the truth when we thought we were lying." They are still bewildered. I can think of no apter comparison than a hen with a double brood of chickens and ducks. Sometimes they try by tender clucking to call back to the peaceful shore the brood of secessionists, hatched by their false theories of State sovereignty and concessions to the slave power, and again they flutter to the water's edge and contemplate embarking with them upon the chill waves of revolution. The wild ducks of the South took readily to this dangerous element, but so far their twin-hatched chickens have been content to cackle on land.

But to come back to the point. Our fathers, say the advocates of this theory, lived in peace upon the same principle. A precedent is always good with a lawyer, and if our fathers lived in peace, if only for half a century, upon this compromise, we can certainly follow their example. But those who cite the precedent mistake the facts in the case. The compromise of our fathers was, that slavery should be tolerated for a time with the understanding that it should be gradually relinquished. They did not expect both ideas, slavery and freedom, to go hand in hand throughout the whole life of the republic. Slavery was to recede slowly, and freedom follow steadily. Upon that basis they did get along very well, and so could we. Territorial acquisitions and certain discoveries in the material arts, as it is said, changed the attitude of slavery altogether. Instead of consenting to go out, it demanded expansion and perpetuity. Instead of remaining subordinate, it claimed to be the national idea and denounced freedom as sectional. This was just reversing the compromise of our fathers, and of course it had to be discussed, and at this the

slave interest took umbrage and resorted to secession and war. If, then, these two systems cannot coexist without causing discussion, and slavery will not brook discussion, it is clear we cannot have a voluntary reunion unless one sentiment or the other becomes predominant. The North and the South must learn to think alike upon this subject, or agree to submit their differences to general and free debate, taking no appeal from popular, legislative, and judicial action and decision, except according to the forms of the Constitution, or, upon a rehearing, to ask the sober second thought of the people upon any point supposed to be settled wrong. But the slave interest, anticipating unfavorable action and therefore refusing to abide by the decisions of this constitutional umpire, leaves us no alternative. To live in peace together we must embrace slavery or they must abandon it.

“Homogeneity,” said Jeff. Davis at Montgomery. His opinion, I know, is very poor authority with this House, but I believe he has thought more profoundly upon this subject than any muddle-brained advocate of mixture in the country. His head is clear though his heart is cold. Just the reverse is true of those well-meaning and perhaps patriotic gentlemen with us who still believe in the union of opposites and the harmony of extremes: their hearts are tender and so are their heads.

If, then, likeness of sentiment is the surest bond of a permanent and peaceful Union, which can be most easily adopted as the national standard, slavery or freedom? To adopt slavery involves a change of opinion on the part of a great many people, twenty millions in the free States alone; for slavery never had any real friends in the free States. Those who are sometimes so considered were only its apologists. How can you change the opinions of twenty or thirty millions of people? Remember, sir, that opinions are not voluntary things, to be taken up and laid down at pleasure.

The mind deals in proofs. Belief follows evidence. But if three years ago slavery could find no real admirers in the free States, who will be its champions now, since it has crowned its many alleged offences against the rights of man with this bloody treason against the mildest and most beneficent government in the world? Many, I am sure, who took its dark hand then, not in friendship, but only in token of constitutional obligation, will recoil from it now in horror when they see it extended reddened with the blood of our thousands slain. On the other hand, to adopt freedom as the national idea involves only a change of investment. That may not be easy; it will be attended with loss, trouble, and sacrifice; but still it is possible, while a change of opinion without new proofs is not. It is from this view of the case that thousands of men, formerly pro-slavery from principle and practice, have become antislavery from Union policy. Living in slave States, they did not regard the institution as immoral, and therefore sanctioned it. But when they saw it used by anti-republicans, and disguised monarchists, for the subversion of popular liberty and the division of this government—a government weak, indeed, when in conflict with the feelings of its honest citizens, but always majestically strong when its flag was assailed—into two insignificant, wrangling, and hostile nationalities, they rose above local prejudices and State policy and personal interests, and said to antislavery men and patriotic men everywhere, we will join you to save our country, to overthrow the rebellion, and to break into fragments the stone upon which it is built. For the present extinguish the great conflagration; for the future remove the inflammable material from which it was kindled. For the present seize the mad revolutionists of the South; for the future destroy the virus that poisoned their blood.

In the debate here a few days ago, the consistency of some gentlemen from the loyal slave States, who were said to be

moderate emancipationists many years ago, and are only moderately so now, was contrasted with the alleged changes of their more radical colleagues. Gentlemen who boast of their consistency seem often to forget that there is such a thing as being upon different sides of the same question at different times and each time right. The question itself often changes sides. I can very well understand how a citizen of a slave State many years ago, giving little attention to the morality of the institution, might fall in with the settled policy of his section and decline to disturb the harmony of his neighborhood by what might seem to him then the unnecessary or untimely introduction of abolition agitation, and yet now become an earnest and honest emancipationist in the belief that emancipation alone could preserve the unity of the country. There is such a thing as being right in the wrong time and wrong in the right time. I do not say that those who introduced emancipation in the slave States many years ago were right in the wrong time, but sure I am that all such gentlemen who retard emancipation now are wrong in the right time. But this plan of Union does not necessarily involve immediate emancipation, and I therefore hail all whose labors tend, however slow, to the general result, as co-workers for a voluntary and peaceful reunion of all the States.

In these remarks I have confined myself to a single point, the presentation of slavery as an element of discord and disunion, and as such asked its removal. I have waived its inhumanity to the slave, its corruption of the master, its injustice to white labor, its impoverishment of the soil, its intolerance in politics, its despotism in government, its inconsistency in all things. Advocating State sovereignty, it blots out all divisions of its empire, moulds all its States into a single power, and calls it the "South." Professing liberality, it yet proscribes from the lowest office the most exalted patriotism, the most brilliant abilities, the highest learning, and the purest

integrity, if found blended with the slightest compassion for the slave. Claiming to be law-abiding, the mob, the bowie-knife, and the bludgeon are its chief ministers of justice. Professing to be constitutional, it suspends the great writ of liberty in time of peace, tramples down the trial by jury when found in its way, contracts freedom of speech to the right to advocate its unchristian cause, revives constructive treason, and in Philadelphia, Boston, and Kansas indicts of that high crime respectable citizens who spoke too rudely of its traffic in men. All this, and much more, I have omitted because they were not in the line of my present purpose.

And now I call upon those gentlemen who think there are some concessions within the range of possibility which, if made, would conciliate the slave power and restore the Union without the necessity of resorting to emancipation, to point out what they are. Name the items. Of course you will not mention the proclamation, confiscation, and what you call the unconstitutional acts of the administration, for the rebellion preceded all these. On the territorial question there was nothing left to concede. The Wilmot proviso had been voted down, the Missouri compromise repealed, and the Dred Scott opinion ordered and obtained. Even James Buchanan, so gifted in abasement, could find nothing more in the shape of theory to give them, and in its stead tendered them the low villany of Lecompton. The fugitive act of 1850, with its slave-hunting officers, the *posse comitatus*, the conclusive affidavit of the master, *habeas corpus* and trial by jury abolished, and the United States to foot the bill, left nothing more to be conceded here.

Concession exhausted and conciliation still a failure ! Hereafter let all concession be in favor of freedom ; and in all our legislation let us approximate, as rapidly as the interests of the two races will permit, the homogeneity of universal emancipation, and upon that basis make the Union perpetual.

SPEECH

ON THE AMENDMENT OF THE CONSTITUTION TO PROHIBIT
SLAVERY.

*Delivered in the House of Representatives, January 6, 1865, in reply to
the Hon. James Brooks.*

MR. SCOFIELD said :

MR. SPEAKER,—I rise to make some observations in reply to the very remarkable criticism pronounced by the gentleman from New York [Mr. Brooks] on the antislavery portion of the President's message.

If the war should end now without a division of the Union, what would be the status of slavery? It has been abolished in Maryland by the new constitution; but it is said that the soldiers had no right to vote, and without their votes the constitution was not adopted. West Virginia has provided for gradual emancipation; but that State, it is alleged, has no legal existence, and therefore its action is null and void. In the State of Virginia a new constitution prohibiting slavery has been adopted by the loyal people within the Union lines; but the constitutionality of this action has been much questioned, even by antislavery men. Missouri has partially abolished slavery, and the convention, soon to assemble there, it is supposed, will dispose of what is left. In Tennessee, Arkansas, and Louisiana slavery has been prohibited by conventions representing the Union people of those States; but it is said that these conventions were irregularly called, and their

action is therefore void. In Kentucky such slaves as enter the United States army are freed by act of Congress; but it is alleged that the act is unconstitutional. Congress has abolished slavery in the District of Columbia, and prohibited it in all the Territories; but it is said the first act is void, without the assent of Maryland and Virginia, and the latter is in conflict with the dictum of the Supreme Court in the case of *Dred Scott*. In all the remainder of the States the slaves were liberated by the President's proclamation; but that instrument, it is said, is too just to be legal. Under these several enactments, however, the slaves, without waiting to test their validity, are leaving their old masters, forming new associations, seeking education, earning new homes, learning self-reliance, and thus erecting barriers to the revival of slavery, stronger than legislation itself.

It is apparent from this statement, that if the Confederacy should suddenly collapse, liberating our Union fellow-citizens that are believed to exist in large numbers within its picket-lines, we would still have the slavery question, out of which the whole trouble grew, to be settled and disposed of. It ought to be equally apparent to all observing persons that there is but one way to end the strife. Slavery in the end must die. It has cost the country too much suffering and too much patriotic blood, and is in theory an institution too monstrous, to be permitted to live. The only question is, shall it die now, by a constitutional amendment,—a single stroke of the axe,—or shall it linger in party warfare through a quarter or half a century of acrimonious debate, patchwork legislation, and conflicting adjudication? The people were consulted upon this question last fall, and they have responded in favor of emancipation. I respect their opinion, not because I am a politician, the motive hinted at in the message, but because experience has taught me to rely upon the judgment of the unambitious classes. I am reminded that there was a

large minority. True, but the suffering consequent upon this terrible war, and not love of slavery, made the minority so large. The people suffered from the draft, from taxation, and from a depreciated currency, and untruthful men told them that their own government imposed these hardships, not from the necessities created by the rebellion, but from mere love of despotic cruelty. Consult your Democratic constituency and you will find they are not so much infatuated with slavery as many suppose. I think I would not misrepresent the largest portion of the Democrats in my own district if I say that, however much they may have condemned antislavery agitation prior to the rebellion, they would now be glad to have the institution buried out of their sight forever. Two classes alone would object: those who are so poorly endowed as to be jealous of negro competition, and those who, being more happily born, apprehend that their pride and importance might in some way be compromised if the distance between themselves and any portion of the laboring classes were lessened.

The President, in obedience to the advice of the people and the dictates of his own kind heart and unimpassioned judgment, has recommended that we should submit this amendment to the action of the States. Why should it not be done? Because, says the gentleman from New York [Mr. Brooks], we should not amend the Constitution in the midst of civil war. Why, then, did he, in the close of his speech, propose to amend it, through the medium of a convention, so as to give slavery an increased representation in this House and a protraction of its mischievous life; and, further, to amend, in pursuit of some State sovereignty vagary, so as to sink the government of the United States into a mere agency for the collection of customs? Do not take the medicine now, says the tender nurse to the sick man; wait till you are well and able to bear it. If the gentleman will examine his own heart,

he will probably find that it is the character of the amendment that is offensive to him, and not its untimely presentation.

Again, says the gentleman, some of the States are not represented here. He seems to forget that Congress does not make amendments to the Constitution, but only proposes them. They must be accepted by three-fourths of all the States in the Union before they become part of the fundamental law. If Congress cannot even propose amendments before the seceded States come in, how can the gentleman call his convention? for that must be done by Congress. If these States are not represented here, the fault is theirs, not ours. Must all legislation be stayed until they choose to return? and if not, why this more than other important acts? If that rule should be adopted we would always be in the power of a few members who chose to place themselves beyond the reach of the sergeant-at-arms. The gentleman trifles with the gravity of the question and the good sense of the House when he raises these objections, but still proposes to waive them in favor of a convention to consider his own amendments.

Why not tolerate slavery, continues the honorable gentleman, and thus make the slave-holders contented with the Union? What evidence is there that toleration would content them? They separated from the Union and organized an independent government in February, 1861. When, prior to that, had the institution for whose prolonged cruelty the gentleman pleads so earnestly lacked toleration? I submit that it had always been tolerated; nay, more, it had always had its will and its way in this republic,—I trust I will not offend any member's sensibilities if I say its oppressive will and its unchristian way. Whatever was asked was granted. When it asked new markets to raise the price of men and women, and to create a demand for the surplus children of the institution, the request was granted. Louisiana and Florida Territories were purchased in part for this purpose. For

this purpose Texas was smuggled into the Union, and a war, unnecessary for any other purpose, secured the northern provinces of Mexico. When it demanded that white laborers should go farther north, and surrender mild-climated Missouri to slave labor, the surrender was made. When, from motives of policy, it demanded the passage of the Missouri compromise, it was passed. When it demanded its repeal, it was repealed. It bade us vote down the Wilmot proviso, and we obeyed. It demanded that escaped bondmen should be caught and returned, free of cost, and we gave them the despotic law. Again, it demanded exemption from the criticism to which all things else in a republic are exposed, and we granted the immunity. To this end, we submitted to a censorship of the mails, and authorized the burning of all offensive papers and letters, in the vain hope to destroy eternal ideas. To this end, it demanded silence in this House and in the Senate, and we adopted the "Atherton gag." To this end, it demanded silence in the North, and every city raised its pro-slavery mob to demolish presses and murder editors and lecturers. The hand of slavery has ever been against everybody, giving the republic no rest day or night. All day long these halls and the country resounded with its insolent demands. Now the West must be Africanized, now the East must be crushed, now Cuba must be stolen, and now Africa unbarred to the pirates, and it woke us up at night with its fierce clamors for escaped negroes. No, sir; slavery rebelled not because it was not tolerated, but because it would not tolerate anything else; I may say because it could not afford to tolerate anything else. It would not tolerate the Declaration of Independence, because that instrument proclaimed the freedom and equality of the human race. It would not tolerate the literature of the English language, nor the Christianity of the American churches, nor the civilization of the nineteenth century, because their spirit was opposed to

human bondage. It could not tolerate New England, because her education, her industry, her sobriety, her justice, and her unboasting courage were an implied censure upon slavery. And, last of all, slavery refused to tolerate the great principle upon which this republic is founded,—upon which all republics must be founded: the will of the majority, constitutionally expressed.

It was not only intolerant, but belligerent. It could not be otherwise. It recognized a natural, though undeclared, foe in every good cause, word, and work, and, in its efforts to destroy these, has destroyed itself. Conscious of its own inherent wrong, it began its defence before it was assailed, and, like the glass fortress, it has fallen not by the assaults of its enemies, but by the concussion of its own guns. It is pierced by its own poisoned arrow.

“So the struck eagle, stretched upon the plain,
No more through rolling clouds to soar again,
Viewed his own feather on the fatal dart,
And winged the shaft that quivered in his heart.”

We can hardly claim the honor of aiding even in its taking off. Like Falstaff's victim, it was quite dead before we dared to strike. But tolerate it, cries the gentleman, and pacify the madmen of the South. If New York were afflicted with hydrophobia, the gentleman would advise his constituents to tolerate mad dogs. Do not muzzle them, he would tenderly exclaim, do not chain them, do not kill them; but tolerate, conciliate, cherish them, until this terrible disease disappears from the city.

But if slavery is prohibited the country will become homogeneous, and, in his opinion, homogeneity is not desirable. Neither the ancient nor modern nations of Europe, he informs us, were homogeneous. They had many systems of worship, and many kinds of languages and races of men; but, unfortu-

nately for his argument, in another part of his speech, and for a different purpose, he confesses that these same nations were afflicted with long and frequent civil wars, originating in that lack of homogeneity which he so much commends. But if this diversity of character is as desirable as represented, certainly we have enough of it without trying to reinstate slavery. Religion is nowhere more free than in this country. Every man selects his own altar. And as for races and languages, what quarter of the many-tongued earth has not contributed to our population? No thanks, however, to the honorable gentleman for this. As the leader and organ editor of the American party, he could not tolerate these foreign-born races, nor the adherents of the Catholic church; and he comes here now and asks us to be more intolerant even than that. He asks us to proscribe a whole race, not only to the extent to which he proscribed foreign-born races, but to go further and proscribe them from the human family and rank them with the brute creation. And he asks us to do this in the name of toleration. "Strange that a man's mouth can run on thus."

It has been often said of late that history repeats itself. Of course it cannot be literally true; but the gentleman reiterates it, and then proceeds to search for the prototype of the terrible drama now being enacted on this continent, and affects to find it in the Revolution of 1776. Having settled this point to his own satisfaction, he proceeds to assign to the living actors their historic parts. The rebels take the position of the colonial revolutionists, the government of the United States re-enacts the part of George III. and his ministers, while for himself and the Opposition debaters of this House he selects the honorable rôle of Chatham, Fox, Burke, and other champions of colonial rights in the British Parliament. Let us examine this. It is true that the colonists rebelled against the government of Great Britain, and the slave-holders rebelled against the government of the United States; but here the likeness

ends. Between the circumstances that might provoke or justify rebellion in the two cases there is no resemblance. The government from which the colonies separated was three thousand miles beyond the seas. They could not even communicate with it in those days in less than two or three months. In that government they had no representation, and their wants and wishes no authoritative voice. Nor was it the form of government most acceptable to the colonists. They preferred a republic. The rapidly-increasing population and the geographical extent and position of the colonies demanded nationality. Sooner or later it must come. The tea tax and other trifling grievances only hurried on an event that was sure to occur from the influences of geography and population alone. How is it in these respects with the present rebellion? The government against which the slave-holders rebelled was not a foreign one: it was as much theirs as ours. They were fully represented in it. There was scarcely a law, indeed I think there was not a single law upon the statute-book, to which they had not given their assent. It was the government they helped to make, and it was made as they wanted it. They had ever had their share of control and patronage in it, and more than their share, for they boasted, with much truth, that cotton was king. Nor is there any geographical reason in their favor. It is conceded, even by the rebels themselves, that a division of the territory lying compactly between the Lakes and the Gulf, the Atlantic and the Mississippi, into two nations, would be a great misfortune to both. If it were the Pacific States demanding separation, bad as that would be, there would be some sense in it; but for this territory you cannot even find a dividing line. When you attempt to run one, the rivers and mountains cross your purpose. Both the land and the water oppose division. There is no disunion outside the wicked hearts of these disloyal men. I can see no resemblance, then, between our patriot fathers, who toiled

through a seven years' war to establish this beneficent government, and the traitors who drench the land in blood in an attempt—I trust in God a vain one—to destroy it.

Again, sir, in what respect do the apologists of the present rebellion in this House resemble the advocates of our great Revolution in the British Parliament? Conceding they are their equals in statesmanship, learning, eloquence, and wit, I submit that they fall far below them in the merit of their respective causes. Chatham defended the cause of the colonists as set forth in the Declaration of Independence that “all men are created equal, endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness;” the honorable gentleman from New York pleads for slavery, the auction-block, the coffle, the lash. With slavery he cures all national troubles. He begs for harmony among ourselves. How shall we be united? “Restore slavery,” says he. He is opposed to war. How, then, shall rebels in arms be subdued? “Revive the traffic in blood.” He is opposed to taxes. How, then, shall our exhausted treasury be replenished? “Raise more children for the market.” Slavery, more slavery, still more slavery, is the only prescription of the Opposition doctors. If we are to look for the representatives of these great men on this side of the Atlantic, I would not select them from among those who, born and raised in the free States, with all their moral and educational advantages, had not yet quite virtue enough, when the struggle came, to be patriots, nor quite courage enough to be rebels, but I would rather select them from such men as Johnson, of Tennessee, or Davis, of Maryland, who, born and educated amid the influences of slavery, still stood up for the Union cause, at first almost alone. But, sir, the representatives of these men are to be found now, as they were then, on the other side of the Atlantic, the leaders of the Liberal party in the British Parliament.

There is another party, that figures largely in the history of the Revolutionary struggle, that the gentleman entirely omitted to name. He gave it no place in his cast of parts. The omission may be attributed to either modesty or forgetfulness. Prior to the Revolution the members of this party had filled all the places of honor and profit in the colonies, and when the war came they heartily espoused the cause of the king, though they did not generally join his armies. Their principal business was to magnify disaster, depreciate success, denounce the currency, complain of the taxes, and denounce and dodge arbitrary arrests. To the patriot cause they were ever prophets of evil. Failure was their word. The past was a failure, the future would be. In the beginning of the war this party was in the majority in some of the colonies, and constituted a large minority in all, but as the war progressed their numbers constantly diminished. Many of the leaders were from time to time sent beyond the "lines" and their estates confiscated. Most of these settled in New Brunswick and Nova Scotia, right handy to the place where the gentleman informs us he was born. The members of this party were called tories, and if this war is but a repetition of the war of the Revolution, as the gentleman intimates, who are their present representatives?

Again exclaims the gentleman, "You cannot subjugate eight million people." I know not which most to condemn in this expression (I speak it, of course, without personal application), its insinuation of falsehood or its confession of cowardice. The United States does not propose to subjugate any portion of its people, but only to exact obedience to law from all. It is this misrepresentation of the purpose of the government that still keeps alive the dying flames of the rebellion. I can go further with perfect truth, and say it was this misrepresentation that lighted those flames at the first. The slave-holders were told that it was the purpose of this administration to

destroy their personal and political rights; next they were reminded that they were proud, brave, chivalric men, and then tauntingly asked if they were going to submit. They were thus fairly coaxed and goaded into rebellion. Except for this misrepresentation the Union people would have been in a large majority in all the slave States, and despite it they are in a majority in more than half of them to-day if they could be heard. But they are gagged, bound hand and foot, by a despotism so cruel and so mean, so thorough and so efficient, that even the gentleman from New York has no fault to find with it. The country is too much engaged now with the immediate actors in the drama to look behind the scenes for the authors and prompters of the play. But when these actors have disappeared from the stage, gone down to graves never to be honored, or are wandering among strangers never to be loved; in the peaceful future, when inquisition shall be made for the contrivers, instigators, aiders, and abettors of this great crime, the two classes so often coupled in denunciation in this hall, the abolitionists of the North and the fire-eaters of the South, will be scarcely noticed, but the quiet historian will "point his slow, unmoving finger" at those Northern leaders who for fifteen years have deceived the South and betrayed the North. They will stand alone. The large minority that now gathers around them, moved thereto more in hopes to escape the severe hardships of the war than from any love of them or their position, will have melted away from their support like dissolving ice beneath their feet, and well will it be for their posterity if they can manage then, like Byron's wrecks, to sink into the

" Depths with bubbling groan,
Without a grave, unknelled, uncoffined, and unknown."

Subjugate the South! No, sir; it is the purpose, as it is the duty, of the government to liberate the South, to drive

out the usurpers, and to restore to the deluded and betrayed masses the blessings of a free republic.

But the gentleman not only misrepresents the purpose of the government, to inflame the insurgents, but also misrepresents the extent of the rebellion, to discourage the people in their efforts to subdue it. Where does he find his eight million hostile people? Allowing for West Virginia and East Tennessee, the whole white population of the eleven States that pretended to secede does not much exceed one-half that number. A large portion of these are now within the Union lines, professing no more hostility to the government than the gentleman himself. Of those that remain under the power of the usurper, a considerable number, in some localities more than half, do not desire a separate government, but would gladly accept the protection and privileges of the United States, if sure that they were beyond the reach of their present oppressors. Where, then, I ask again, does the gentleman find his eight million people? Does he mean to include the colored population of those States? I suppose not; they are to be tolerated only as brutes. He would not, of course, include them under the head of *people*. I do not suppose he intended to include any portion of his own party. I have a right to conclude, then, that this number was only a slashing estimate, to make out a bad case. With half the white and all the black population in these seceded States, it would be very strange if the government were not strong enough to compel submission from the rest. The gentleman himself gives some little encouragement. The little State of Maine (in which he tells us just in this connection he was born) is a match for England, France, and Russia, and he finally adds for all Europe combined. Now, sir, if this little State which had only the honor of rocking his cradle, that claimed him only in long frocks and petticoats, could withstand all Europe single-handed, is it not reasonable to suppose that, combined

with the State of his adoption, the great State of New York, that possesses him in all the glory of pantalooned manhood, it could flog the world and the "rest of mankind," in which I suppose the rebels would be included? Maine can be relied upon for the contest, so can New York, since no perfidious hand now holds the helm, and the gentleman himself gives some hope that he may be goaded into the support of his struggling, suffering country. There is a point, he tells us, beyond which his forbearance will not go. It was not reached when the rebels seized our forts, navy-yards, arsenals, ships of war, mint, and custom-houses, mails and post-offices. It was not reached when they fired upon the starved garrison at Sumter. It was not reached when they raised an army, hoisted a traitor flag, and laid siege to the capital. It was not reached when they put pirates on the ocean to seize, rob, and burn the peaceful merchant-vessels from his own city. It was not reached when they raised the black flag and shot down our patriot soldiers after surrender and then burned the hospitals over the heads of the sick and wounded. It was not reached when they murdered women and children and unarmed men, and burned the villages on the border without military motive. It was not reached when, by the slow torture of hunger and cold, they murdered by the thousands our dear, brave boys, prisoners of war in their hands. But he has an ultimatum notwithstanding. He announces it from his place in this hall, and boldly flings it in the teeth of the rebels, and has the courage to hope that they may hear him. They must not go too far, nor presume too much upon his forbearance. He will not stand everything. The insults and crimes I have named he can endure, forgive, forget; but if they dare to inspect his baggage as he travels South, he "will not submit; never, never," he repeats. "Will you fight them?" inquires the gentleman from Iowa [Mr. Wilson]. Mark now the answer. "When that day and hour

come I will be ready to mark out the course I will pursue." Cambronne alone can answer that. It is fortunate for the rebels that the honorable gentleman has not yet learned that the privilege so highly prized has been denied him for three years and a half.

Again, centralization, the absorption of all local and municipal authority by the Federal government, is another lion in the way of emancipation. What possible connection is there between centralization and emancipation? Why should one follow the other? Emancipation has been going on quite rapidly for two or three years; has the gentleman's city lost any of its municipal rights in consequence? Is it not still ruled by the "Five Points" majority, with nothing to fear but its own mobs? Does it not still elect corrupt men for judges, and thieves to the Councils? Let the gentleman look at home with his fears. It is his own city that is centralizing, centralizing all the disloyalty and depravity of the North, and here he should begin his labors.

MR. BROOKS.—I can stand any amount of personal abuse towards myself and fail to reply to it; but when he speaks thus of the city which I in part represent, I am bound to say that an effort was made by the Federal government, during the pendency of the late Presidential election, to control the city of New York by sending there a bold robber, in the person of a major-general of the United States. Robber as he was of the public treasury, and major-general of the United States as he was, he dared not exercise the power given to him to attempt to control the actions of those whom the gentleman calls thieves and robbers in my own city. Thieves and robbers!—

MR. SCOFIELD.—Mr. Speaker, I decline to yield to a speech from the gentleman, because he has had his time. If the gentleman has any question to put to me I will hear him.

MR. BROOKS.—Mr. Speaker, I can stand any amount of

personal attack on myself, but when my own constituents are called thieves and robbers, and when thieves and robbers are said to govern the metropolis of this country, I put it to the honorable gentleman from Pennsylvania if, after making such imputations, it is propriety, it is decency, to refuse to give me here an opportunity, in the midst of a speech like that, to defend the million of people whom I represent from that imputation against them as thieves and robbers.

MR. SCOFIELD.—Mr. Speaker, the only assault that I made on the city of New York was merely to repeat the allegations of its own papers.

MR. WARD.—Will the gentleman yield to me for a moment?

MR. SCOFIELD.—If the gentleman desires merely to ask me a question I will yield to him; but if he wishes to make a speech I must decline. If I have made any attack upon the constituents of the gentleman [Mr. Brooks], I have learned what I am stating from the gentleman's own paper, which has denounced again and again the election of certain persons to the Councils of New York, and branded them as thieves.

I was going to say, sir, that slavery has always been a centralizing power in this country. Of late years the government itself has been subsidiary to it. It is said that a railroad corporation in New York, with a capital of only a few million dollars, controls the State. It selects its agents in all the counties, and works unseen for their promotion. If in this way it fails to secure a majority, the deficiency is made up by appliances to the wants and weaknesses of its opponents.

MR. PRUYN.—I should like to know to what corporation the gentleman refers.

MR. SCOFIELD.—I refer the gentleman to the *New York Express*. [Laughter.] I only allude to the railroad for the sake of illustration. Slavery had a capital of at least two

billion dollars, as much under the control of a few men as if it were a corporation with a president and directors. It was this investment, thus centralized, that has been so appropriately and expressively, but to some people very offensively, called the "slave power." Its control over the finances, trade, and politics of the country was almost supreme. It controlled the slave States by community of interest; by this agency it then selected the President of the United States, and through his patronage controlled the free States. It may be said without exaggeration that it owned the South, used the government, and hired the North. Emancipation will rid the country of this centralizing power, and if the gentleman is really opposed to centralization he ought to vote for it.

The gentleman closes his remarks with an appeal to the friends of the administration to stop the war but save the Union. If our armies are withdrawn from the territory claimed by the rebel leaders, the war will be stopped undoubtedly, but the Union will be divided. South of the Ohio and Potomac there will be another government, practically recognized by us and formally acknowledged by all other nations. But, on the other hand, if the rebels can be induced to disband their armies, the war will cease and the Union be preserved. Now, sir, in imitation of the honorable gentleman, I will close my remarks with an appeal to him and his political associates to aid in the accomplishment of this latter result. Do you inquire what you can do? Go and proclaim to the deluded supporters of Jefferson Davis two simple truths. First, that the United States does not now and never did seek their subjugation, but only their submission to law. Tell them that the first election of Mr. Lincoln did not involve any interference with slavery in the States where it then existed, and that subsequent emancipation originated not in the virtue of the government but in the necessities created by their own misconduct. If slavery was their motive for sepa-

ration, the removal of that motive by the removal of slavery was our necessity. Whatever has been constitutionally done in that direction by Congressional, State, or executive action must remain unless it is undone by authority equally constitutional. That they must submit to the Constitution in all its parts, including that which authorizes its own amendment. Second, tell them that, while the United States asks nothing more from them than submission to law, it will accept of nothing less, and, above all, it will not consent to its own dismemberment and the creation of two governments between the Gulf and the Lakes. Tell them that the people have the will and the power to sustain this purpose of the government. Though they are accustomed to spend their money with economy and do not wantonly shed their blood, they have made up their minds, from high convictions of duty, to bear with patience whatever loss and suffering the execution of this purpose may entail. Tell them that, while the government and people are thus determined, they are not vindictive. They do not raise the black flag, but constantly tender to the deluded masses pardon and protection. Go tell these two facts to the insurgent people, hitherto misinformed and misled by your untruthful allegations, and you will see them begin to drop away from their reckless leaders, and with the blossoms of the coming spring will come the sweeter blessings of peace.

ANNUAL ADDRESS

AT THE NEW YORK STATE FAIR.

Delivered September 14, 1865.

GENTLEMEN OF THE NEW YORK STATE AGRICULTURAL SOCIETY,—In the last verses of the eighth chapter of Genesis, we are informed that, after the waters of the flood had subsided, God said in his heart, “I will not again curse the ground any more for man’s sake;” “while the earth remaineth, seed-time and harvest . . . shall not cease.”

Excepting the assurance of a future state of existence,—of “sweet fields beyond the swelling flood, dressed in living green,” we have no revelation from our heavenly Father more precious than this. It is not only a promise of food and raiment,—a guarantee against our old and ever-threatening enemies, hunger and cold,—but an assurance of the mental enjoyment derivable from the seasons named. Every year we are permitted to expect the exhilarating pleasure of seeing the grass come up and the trees leaf out in the spring, and the deep satisfaction of knowing, as we enjoy the dreamy days of glorious autumn, that a generous harvest has been garnered, against the severities of the coming winter.

But, while we are thus felicitating ourselves with this most gracious purpose of the Deity, we find the scepticism of our own observations and experience stealing into our hearts and undermining our Biblical faith. We see vast regions of country, in latitudes otherwise agreeable to human existence, en-

tirely waste, as if still cursed of God. Nothing grows. In other sections considered susceptible of cultivation, large portions are barren hills or sour swamps. And when, avoiding the desert, hill, and swamp, we have secured, in some favored spot, a fertile farm, we are not at all sure of a seed-time or harvest.

Sometimes the winter overlaps the seed-time. Sometimes a successful planting is destroyed by a June frost. Sometimes we have drouth: all summer long the heavens are dry; the earth is parched, the wells give out, the spring and brook dry up, the leaf withers on the tree, and the grass burns down into the roots. Again, the fields are drowned. The windows of heaven are opened and the rain comes, unsolicited, unwelcome, unrelenting. Sometimes a hostile insect, hitherto unknown to entomologists, or, if known, irresistible by any discovered mode of warfare, robs us of a harvest just waiting for the sickle. Sometimes a subtle disease fastens upon a plant of universal culture and turns the whole crop into ashes in the very baskets of the harvester. Sometimes the thistle and the daisy triumph in their contests for the meadow, and sometimes the unripe corn is destroyed by the "surly blasts of chill November," on an unseasonable raid.

It is not at all strange that the disappointed husbandman, without intending to impugn the constancy and goodness of our Father which art in heaven, sometimes fears that the beneficent intention uttered, according to revelation, in the heart of God, when he saw the desolation wrought by the flood, has in some way, like human intentions, been changed or lessened by time.

I have looked to the learned doctors of divinity for an explanation. They inform us that there has never been a *total failure* of crops nor a *universal* famine since the flood; that, in some parts of the world, food sufficient, if properly distributed, has been produced to support the human family; and so they think the promise is unbroken. The explanation

of the commentators is not satisfactory, at least to me. It seems hardly a fulfilment of the broad, clear language in which God has embodied the purpose of his heart, to say the Californian may have dinner if he orders it from China, and the Patagonian breakfast if he goes to the Cape of Good Hope to get it. It is also inconsistent with the theory, now somewhat prevalent, that the food best adapted to the nurture and health of man is that which the country around him is capable of producing. Instead of cutting down the promise to an occasional seed-time and partial harvest, I think we have a right to expect, nay, to claim, both from the words of the Bible and the known goodness of the Creator, a perfect seed-time and a never-failing harvest. And, if so, we must ascribe our imperfect realization to our imperfect knowledge of agricultural science. This, like all divine promises, is conditional. We are informed what is attainable, surrounded with the necessary agencies, material, and motive, and left to work out our possible destiny by a proper use of our great endowments.

Fully believing that this is the proper interpretation of the Scriptures, I look forward, with undoubting faith, to the time when the mutations of the seasons, the habits of the plants, and the wants of the soil will be so well understood that a failure of the crops, except through the negligence of the agriculturist himself, will be a very rare occurrence; and when industrial machinery will be brought to such a degree of excellence that, instead of the long and exhaustive day's work, five hours per day (the period fixed as best adapted to the human constitution) of pleasant and healthful exercise will be all that will be needed to conduct as large a farm as any one man ought to be allowed to own.

How can the farmer, it may well be asked, protect himself against drought and rain and untimely frost? must he not always plant in faith and reap in apprehension?

Suppose he could foreknow the weather? Suppose his almanac could tell him all its moods and changes, as it does now the changes of the moon or the coming of the eclipses! Could he not, by a careful selection and adaptation of crops and fields by temporary drainage or irrigation, protect himself, in a great measure, against a wet or dry season? Could he not, by early or late planting, as the case might require, avoid spring and fall frosts? Could he not, by choosing the hardiest and most easily-ripened plants, and even, to some extent, by divers temporary expedients, accommodate his farm to a short season?

But the weather is fickle; who can know it? Fickle as it may appear, it is as much under the dominion of law, as much subject to rule-regulation, as the stars whose cycles we calculate to a second. The great motive-power in nature is uniform in its action. There is no exception in favor of the weather. It is not true, in the popular acceptance of the words, that "the wind bloweth where it listeth." It blows when it is impelled by forces as immutable as the Creator of them. There is method in the madness of the storm, in the courses of the wind, in the fall of the rain, and the bite of the frost. "The spirits of the vasty deep," and "the prince of the powers of the air," are obedient to rules, ordained when the foundations of the earth were laid. If the variations of the weather are in accordance with prescribed and uniform rules, are they so deep and mysterious as to be beyond the endowments of man? Such advancement in meteorological science may seem improbable to many, but certainly not more so than did the knowledge already acquired to our incredulous fathers a few centuries ago. Even now the science has progressed much farther than is generally supposed. Nearly the whole world is sentinelled with observatories. Extensive atmospheric statistics have been collected and are now in the libraries of the learned. They are studied to-day by many

profound and inquisitive minds. A few rules are already established; more are foreshadowed. In the mean while the observations go on. Why, while we are doubting and inquiring who shall reveal to us this hidden truth, the mariner has so far learned the ways of the wind, the most uncertain of all the ethereal elements, that he sets his sails by his nautical almanac, almost as trustingly as the helm submits to the guidance of the needle.

Who, you inquire, shall tell us of the weather? On College Hill, overlooking this beautiful city, in an unimposing building standing off by itself, and looking inside and out like Ericsson's monitor of war, sits a gentleman unknown to, or at least uncared for by, the busy multitude, modest and solitary, the hermit of the heavens. He is a great observer and gathers up all the phenomena of earth. Not a breath of air, nor a streak of lightning, nor the dim trembling light that other worlds can shed upon the mysteries of our own, escapes the delicacy of his instruments. In another building not far off, in a room dingy with gases, smoke, and vapors, with begrimed face and soiled hands and garments, surrounded with furnaces, pots, crucibles, and the "wreck of matter" wrought by his own cunning hand, sits another gentleman,—old I might call him, counting only by years,—the wizard of the college. All day long he is busy with his enchantments. In his magic vessels "the elements melt with fervent heat" and expose to him the subtle materials and masterly joinery of their composition. These are the men who will tell us of the weather. Now and then their observations and discoveries are published, not to the world, for they are not yet sufficiently perfected for popular instruction, but to men of science. Similar observations and discoveries emanate from other institutions. At length some genius, or visionary theorist, as he is often called, educes from this accumulated learning some important principles and applies them to many things for the

comfort and advancement of our race. We at once avail ourselves of the improvements, use them in our houses, shops, and farms, as if we had always possessed them, and, in our eagerness to enjoy, we do not even stop to consider that it is to the weary investigations of these unhonored abstractionists that we are indebted for the additional blessings. These quiet scholars are at work for us to-day. They are studying the "powers of the air," exploring the dens where the storms are brewed, inquiring whither the clouds scatter and why they "come flying all abroad," whence the wind cometh and whither it goeth. In time they will furnish the materials of a meteorological almanac, from which, as the farmer reads, straggling down through the broken lines of a whole page, "expect much rain about this time," he will as certainly expect it as he will the eclipses foretold in the same book.

I refer to the importance of meteorology and its present and probable advancement only as an illustration and a proof that the promised seed-time and harvest, even to the extent of my liberal interpretation, is within the compass of human attainment. It is not, however, the only illustration and proof at hand. For that purpose many other branches of agricultural science, equally important and equally progressive, might be discussed. Fertilization as a science is yet in its very tender infancy. To be sure, wonderful and valuable discoveries have been made, but, wonderful and valuable as they are to us, to the scientific mind they are, like the western drift observed by Columbus, only evidence of the undiscovered world beyond. Many inquisitive and patient eyes are even now exploring the mysteries of vegetation. The neglected scholar is again at work. The plant submits to his inquisition, and under his chemical torture each part is required to surrender its secrets. What offices are performed by light, warmth, and electricity? what minerals are sucked from the earth, what gases inhaled from the air? are questions propounded by its

insatiable tormentor. The analysis is perfect even to the breath of the leaf. When all its wants and conditions are learned, he ransacks the world for the means of supply. The practical public is perplexed, perhaps disgusted, with theories and experiments. To those walking by sight and not by foresight, their utility is not yet apparent. It is only by a retrospect of several years that they are able to appreciate the progress made. While I do not share in the expectations of many, that the world will soon be startled and revolutionized by some great discovery in fertilization, I do look for that steady improvement which in a few years will not only increase the yield of good farms many fold and ripen their harvests in a much shorter period of time, but convert barren and waste land into beautiful and fruitful fields. Even the progress made in this direction during the last twenty years justifies this belief. The hills and swamps are doing what the farmer is always so unwilling to do, yielding to and honoring the pale-faced knights of the crucible and compost. Scientific farming, in spite of prejudice and ridicule, is every year writing its triumphs upon hitherto unproductive land, in letters as green as leaf and blade can paint them. A learned but perhaps too sanguine farmer told me, a few days ago, that he was expecting such discoveries in the art of fertilization that, before the close of the nineteenth century, Indian corn would not only be grown in the heart of the Great American Desert, but be ready for the harvest in eighty days from the time it was planted. This may seem extravagant, but in the light of science it is not impossible,—I will say, not improbable. The great want of the desert is moisture. To obtain water for his people, Moses, by the direction of God, “smote the rock with a rod,” while we, guided by science (which is only a knowledge of the directions with which all matter was labelled in the beginning), are unwittingly following his example. For water,—the fresh water that slakes our thirst,

the salt that preserves our food, the mineral that restores our health and sloweth age,—for the fuel that warms our dwellings in winter, and the light that cheers them at night, in imitation of the great leader of Israel, we smite the rock with a rod. In the early history of the world, God may have revealed to his inexperienced children some principles of natural science, and, for their good, left the acquisition of others, equally useful, dependent upon industry, study, and experiment. If water only is wanting to the fertilization of the desert, who shall say that its reclamation is beyond our reach?

In discussing this subject I have, so far, referred only to the professors of natural science in the various literary institutions and learned associations of the country. But they are not the only agencies employed to forward the work. The Federal Government, in spite of the “Resolutions of ’98,” has given its aid, and since the Act of May, 1862, become an efficient worker in the cause. By that act the duties of the Department of Agriculture are twofold,—first, the collection and distribution of “new and valuable seeds and plants;” and, second, the collection, preservation, and diffusion of agricultural knowledge. In the discharge of these duties the Department is authorized to employ, “for such time as their services may be needed, chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.” This latter clause, mixed in with the authority to employ clerks and laborers, as if indebted for its place to the artifice of some intelligent friend of agriculture, is by far the most important part of the bill. To that we are indebted for the valuable essays and learned but practical discussions in the two last Reports from this Department. Undoubtedly the climatical distribution of new and valuable seeds and plants will result at once in improved and increased varieties of crops, but the employment of scientific men, to invent and theorize, experiment and discover, analyze and

test, will not only aid in developing and perfecting all that is now considered possible in agriculture, but may—I can even say, almost certainly will—result in unfolding new principles, based upon present and future discoveries, by which, at a single bound, the science will be carried beyond a whole lifetime of slow and painstaking culture. The law needs a few additional words. These “skilled persons” should be permanently instead of temporarily employed. And then, with a suitable building, we would have a national academy of natural science or an agricultural normal school. Compared with the money expended for seeds, the salaries of these professors would be a mere trifle. We have now a military and naval academy. Very large sums of money are expended—squandered I used to think before the war—upon these institutions. Even now I sometimes wonder if a large portion of the military men who undertook the overthrow of our Constitution, government, and laws were not impelled thereto by motives no worse than a desire to exercise their vocation. In this view the disloyal soldier may be forgiven, and even respected, while the traitor politician should be handed down in shameful memory forever. But if we wisely expend so much for the education of men to defend the country, would it not be equally wise to expend a much smaller sum in aiding to make that country—all glorious and beautiful as it is now—still more worth the lives of our ablest, bravest, and best?

The Patent Office is another governmental agency designed to promote improvement. I am sorry that I feel compelled to criticise rather than praise it. While it has accomplished great good, it is the source, it must be admitted, of great mischief. It certainly needs reformation, not only in its administration, but in its organization. A great many people are of the opinion that, if it cannot be reformed, it ought to be abolished. But it can be reformed. Certainly we can contrive some way to stimulate and reward the inventive talent

of the country without not only robbing the world of new discoveries for so long a time, and stealing from it what was before its own, but, at the same time, bewildering, deluding, and swindling it with so much that is worthless. As at present organized and administered, it does, indeed, stimulate to invention some, but to chicane, litigation, and corruption a great deal more. It has been called, with much propriety, the office of monopoly and fraud. While it withholds from the people, except at extortionary prices, the improvements they need, it floods the country with "patent rights," worthless except to cheat with. "Patent-right peddlers," pressing their "territory" by States, counties, and towns upon the simple and unwary, swarm the land. While large fortunes are thus made by men not quite bad enough to go to the penitentiary, meritorious inventors are too often forsaken, and their seed begging bread. The money out of which the people are thus annually defrauded would half pay their national taxes. This office thrusts its pestiferous fingers into every man's business. What Sydney Smith said of English taxation may, with equal aptness, be said of American patents: everything is patented: the buckle that fastens your shoe, and the tie that adorns your neck. When you go from your patented toilet to business, it is only to encounter patents at every turn. The shop is filled with patent tools, the store with patent goods, the apothecaries with patent drugs, and the law-office with patent suits. When you return at evening, you approach your dwelling through a patent gate, open your door by a patent latch, seat yourself in a patent chair by a patent stove, read your paper by a patent lamp, draw your boots with a patent jack and retire to sleep on a patent bed, supported by a patent bedstead. When weary and sick of patents, you can be doctored to death by patent medicines, wheeled off in a patent hearse, and buried in a patent coffin. I cannot stop now to discuss remedies for all this mischief.

I only remark in passing that it is a great mistake to suppose that invention can only be stimulated by mercenary motives. On the contrary, it may be assumed that genius is rarely avaricious. It is rather like the spring on the hill-side, which waters and beautifies the valley below, but leaves its own bank unfertilized. It seeks its reward rather in the gratitude and admiration of the world than in its money.

Agricultural schools are another agency. They have been too recently established in this country and are still too few in number to exhibit, as yet, their ultimate usefulness. It is less than ten years, I think, since the oldest, originating in the untiring efforts of that enlightened and zealous friend of agriculture, the venerable secretary of your society, was established. Of course, all young farmers cannot be educated in these institutions, but those who are will become missionaries by example, "burning and shining lights" to the neighborhood in which they locate. While by scientific culture they will derive the largest possible revenue from the farm, they will also from love of refinement, order, and beauty adorn it for a home. They will have learned how to do, what ought to be the purpose of every man, whether in city, town, or country, by lawn and tree, and shrub and flower, by books and papers and works of art, to make home the most attractive place on earth to them and all who share it with them.

And last to be named, though almost first in importance, are the agricultural societies, with their State, county, and township fair, and their national and international industrial exhibitions. These societies have undertaken to be a medium of communication between the theorists and practitioners. They undertake to collect all that has been invented, discovered, or imagined, and take it down to the farm for inspection, trial, adoption, or rejection; returning freighted with the knowledge, experience, and suggestions of the farmer,—what crops and inventions have failed and what succeeded;

what hostile insects and plants have appeared, and what remedies have been found efficacious. It is their business to collect and disseminate agricultural information and stimulate and reward improvements. See to it, friends of the cause, that your *fairs* are not perverted to other and unworthy purposes. Remember that "fantastic parades," "games of ball," "Indian foot-races," and other similar exhibitions often advertised to come off on the fair-ground, may *distract* as well as *attract* the crowd. Such exhibitions will undoubtedly enlarge your audiences. Truant boys might be attracted to the school-room by the hand organ and monkey, but would you thus advance the cause of juvenile education? When you bring your *fairs* down to the appreciation and entertainment of the idle, careless, and vicious, you have got them too far *down* to subserve the noble cause in behalf of which they originated.

Thus far I have been speaking of our capabilities, and, incidently, of the means employed for their development. I have endeavored to inspire the hope that a double crop, a shorter time of growth, the halving of labor, and a practical foreknowledge of the weather, all lie within our capacity. Belief must precede effort, if success is to follow it.

In the few moments left, allow me to press upon your attention a single measure calculated, if adopted, to promote the advancement I have ventured to anticipate. To do this was my sole purpose in accepting your kind invitation.

I have long been of the opinion that the creation of a professorship of agricultural science in every college in the country was demanded, both by our educational and industrial interests. Of course I do not contemplate a system of practical farming. That, like law, medicine, and divinity, must be taught in schools devoted particularly to that occupation. But theoretic agriculture, with so much of mechanics and the natural sciences as are particularly connected with it, could be

grouped together and taught the class by a single professor without lessening the fuller instructions in other departments, from which some portion of this course was abstracted. The graduates of these institutions, so far from going into the world, as they too often do now, regarding agriculture as an occupation of mere physical drudgery, requiring only the lowest order of mind and education, and therefore particularly to be shunned, would carry with them, into whatever calling they chose to enter, a profound respect for this. Many, undoubtedly, would be attracted to the farm, but if none were, the learning would not be wholly lost. An educated man moving through life is like the light of an evening traveller, opening up to wayside loiterers many objects of consideration and thought that would otherwise escape their attention.

From the learning and research of the professors themselves the country would derive very great advantage. To their own investigations they would add the discoveries and improvements of the whole world. The very valuable, but to the general public unreadable, volumes of statistics, suggestions, and experience, published by various associations and individuals, would come to them for digestion and condensation. We might expect from them many contributions to the agricultural literature of the country. Free from empiricism, scientifically accurate in statement of fact, clear in theory, polished and simple in style, their books and essays would be read with interest by all classes, but with both interest and profit by the farmer. The farm, thus separated from its associated lowness, would assume a new beauty in the eyes of its cultivators. The same fields would be greener and the same blossoms sweeter.

These theoretical professors and students might be subjects of mirth to practical men. Practical men always laugh at theorists. They forget that the rules they practise now were the suggestions of visionaries of an earlier day. Improve-

ments are always "new-fangled notions" to old practitioners. They often meet the strongest opposition from those who understand most thoroughly all that was known before. To an old lawyer there is no code so bad as a *new one*, and a new system of medicine is *tartar emetic* to the adherents of the old. The pack-horse fought the Conestoga wagon, the wagon the canal, the canal the railroad, and, if we ever learn to navigate the air, the last man to believe in it will be the railroad engineer who skims along the earth at the rate of a hundred miles an hour.

In this proposition, I trust I have your approbation, but I am going to couple it with another, from which I fear very many will dissent. To make room for these additional studies, the Latin and Greek languages must be dropped from the college course. I know the suggestion will not be favorably entertained by the managers of these institutions. The play of Hamlet with Hamlet left out would be a very tame illustration of their idea of a college with these languages omitted. Colleges are very conservative. They stand about as they did two hundred years ago. It is nearly the same old catalogue with the names of the professors and students changed. We laugh at the farmer who stubbornly adheres to the practice of his father; but his obstinacy is nothing compared to the tenacity with which our college friends cling to their old ways. What little change is tolerated is by way of addition. They are like the Bourbons in one respect,—they forget nothing. Latin and Greek are their hereditary pets. Two years before admission and two or three after, must be devoted to their acquisition. Why?

Because, we are sometimes told, the New Testament was written in Greek and some fragments of Latin are found in the books of law and medicine. Students of divinity should therefore learn the one, and students of law and medicine the other. Yet no Doctor of Divinity is allowed to use his own

translation. If he would get up a new one, changing the sentiments or even the words of the old, he would very properly be driven from his pulpit as a heretic. Of what particular advantage is it, then, to be able to read the Scriptures in the original language if you must come to the old English translation at last? Certainly it cannot be worth four or five years of student life. To the lawyer the Latin is considered of so little account that the candidate for admission to practice is never interrogated as to his knowledge of it. An old judge once said, to a class undergoing examination for admission to the bar, that in his experience the lawyers that quoted most Latin won the fewest suits. Pedants never amount to much in the great rivalry of life. I cannot say how useful the dead languages may be considered by the medical profession, but the good sense of the unlearned public has long since concluded that nothing but quackery now needs the mystery and non-understandable lingo of the doctors. There is certainly no necessary connection between a *living patient* and a *dead language*!

Again, we are told, it disciplines the mind. Very well, so would the study of natural science. Digging a hole in the earth and filling it again would strengthen the muscles, but the same strength would be gained by spading a field and a bountiful harvest in addition. The study of these languages was originally undertaken for the use that could be made of them *subsequent* to their acquisition. By the enlargement and perfection of our own language and the exhaustive translation of these, that original purpose, except to a few professional scholars, has been entirely removed. The *labor of acquisition* is now urged as a motive for their retention. They lose their value (so the argument concedes) the moment they are mastered. You persist in a diet no longer nutritious, merely to exercise the muscles of mastication. If the two courses of study were equally efficacious in mental discipline, should we

not, by all means, choose that which promised most advantages in after-life? But are they equal even in this respect? Can it be possible that the mere shelving on the intellect a quantity of ugly words will invigorate, quicken, and inspire it, like the study of a science that, beginning with the pebble on the shore, opens up to us the vast ocean of wonderful and intricate truth with which we are surrounded? You might as well look for increased warmth by emptying your grate of its glowing coals and refilling it with cinders.

Still, again, we are told that the study of these languages is necessary to the proper understanding of our own,—imparting, as is alleged, a more profound acquaintance, not only with its philosophy and structure but with the original force and meaning of a large number of transferred words and imitative terminologies. There are only three mistakes in the first branch of this argument. First, it is a mistake to suppose that the philosophy of the language is so very intricate; second, that there is no shorter way to acquire it; and, third, that a knowledge of it is of such vast importance. While there are many rules to which the language conforms, it must be admitted that much of it is patchwork, conventional and arbitrary. The volume of it has too many elemental sources to allow the philosophy of Latin or Greek, although perhaps traceable in it, to control its ever-swelling current. You might as well attempt to follow a cowpath with a compass as an unbroken thread of philosophy through the hidden mazes of the English tongue by the light of Latin or Greek. At the best it is only a kind of evanescent learning, too refined for appreciation and too volatile to keep. A single criticism from the pen of some linguistic historian would impart all the knowledge of this kind that is important for the general student to possess. It is also a mistake to suppose (as the second branch of this argument does) that it is important for a writer or speaker to know the original

meaning of an adopted word, when that meaning has been dropped in the transfer. That may be valuable to the linguistic antiquary, but not to the mass of educated men. They need words that not only embody their thoughts but communicate them to others. All beyond that is pedantry, a hinderance rather than a help. The whole argument is too feeble to justify the imposition of so much labor.

The fact that these languages are replete with learning and literature is also urged in favor of their acquisition. It ought to be a satisfactory answer with a sensible man, to be able to say that all this learning and literature has been translated many times over. Not a fact nor thought remains. Do you answer that the translations are not equal in style and power to the originals? Your answer is an impeachment of the English language, an argument for its abandonment altogether in favor of a better, and is based upon an error in fact. As a general thing, there is nothing in these languages, nor in any language, inexpressible in English. It is quite possible that in these, as in all other learned languages, there is some composition so high-wrought and rhapsodical as to defy translation. The consolation is, that such exquisite scholarship is not indispensable to the happiness of the world. In taking leave of this subject, permit me to add that the adoption of my suggestion involves no additional expense. Endowed colleges already exist. A change of professors is all that is needed.

Suppose we approve the suggestion, you may inquire, How can its adoption be secured with the *literati* of the country against it? Agitation is the great American remedy for all the ills that government and institutions are heir to. Clamor, you may reply, is plebeian, undignified, unscholarly. Possibly so, but it is effectual, notwithstanding. Witches, it is said, are vulnerable only to silver bullets, but paper balls are most fatal to veteran error. It should be avoided only by the

friends of a bad cause. If the retention of these languages is a great folly, as I have supposed, if their place could be advantageously filled by the study of agricultural science, discussion will effect the reform. The wrong side has been most ably advocated already. It takes two or three dozen orations per year, by the professors and students of these languages, to keep themselves convinced of their utility. The other side is rarely heard.

Standing, as I do, in sight and almost in hearing of my ever-honored *Alma Mater*, and in the presence of that eminent scholar and Christian gentleman,—my early and unchanging friend, the professor of languages in Hamilton College,—I have uttered these sentiments with much reluctance, and only from a regretful sense of duty.

Public attention is just now too much absorbed with national matters to consider minor reforms. In a measure the country is starting anew. Reconstruction is the word of the day. To be sure, we have subdued the rebellion and hastened to forgive its guilty authors, even before this oblivious turf had begreened the graves of their low-lying victims; but many and important questions remain to be discussed and settled. Will the rebels forgive *us* for their defeat and humiliation? If a full partnership in the preserved brotherhood of States is proffered them, will it be accepted in good faith, and the power so conferred be used for the perpetuation and prosperity of the Union, and the discharge of its obligations to its widows, soldiers, and creditors? If not, can we constitutionally withhold it? What shall be the status of the freedmen? Shall they be re-enslaved, colonized, or enfranchised? What shall be done with our national debt? Shall it be taxed, scaled, repudiated, or paid? What shall be done about the Monroe doctrine? Shall we allow our poor sister republic, the remnant of our own pro-slavery greed, to be absorbed by a vassal for the usurping ruler of France? These

are questions now pressing upon the country for early action. If, under such circumstances, I have succeeded in fastening the attention of a few thoughtful friends of agriculture to the propriety of collegiate reconstruction, I have accomplished all I hoped to do when I consented to address you.

SPEECH

ON THE BILL TO EXTEND THE RIGHT OF SUFFRAGE IN THE
DISTRICT OF COLUMBIA TO PEOPLE OF COLOR.

Delivered in the House of Representatives, January 10, 1866.

MR. SCOFIELD said :

MR. SPEAKER,—The colored population of the United States is now about five millions. That is nearly double the population of all New England, fully one-seventh of the entire population of the United States, and almost double the number that carried this country through a seven years' war with the greatest military power in the world.

What shall be done with these five million people? Colonize them? Where and when? To Africa? Liberia is the most desirable and accessible part of that country, but that colony is now more than forty years old, and its emigrant population is only seven or eight thousand. Some ten thousand, in all, have been taken there, but from twenty to thirty per cent. of that number died during the period of acclimation. To land five millions more of men, women, and children upon this miasmatic coast, without houses, roads, or improved lands, would be murder by the million. The original kidnapping and importation of slaves to this country was a very merciful and Christian business compared with such an exodus as this. But if we were wicked enough to embark in such a cruel enterprise, we could not accomplish it. Calculate the expense, to say nothing of suffering, of collecting the

entire population of Ohio, Indiana, and Illinois, and taking them to the Atlantic coast ; compute the expense of transportation for such a nation across the Atlantic ; and to these sums add the cost of houses, roads, clearings, stock, and temporary maintenance in that unhealthy climate, and you will have a bill too great for the resources of the country, even if we were not in debt. But to gather up and colonize the scattered and unwilling colored population, almost equal in numbers, would be a much greater undertaking.

Colonize them in Mexico, then, it is said. The expense might be a few millions less, but still far beyond the present resources and strained credit of the government. Other obstacles would intervene. Mexico has eight million five hundred thousand population now. Where could you thrust five millions more in that uninviting land of endless war ? Beside, if this vast population is as undesirable as is represented, they would be nearly as offensive to the people of Mexico as it is said they ought to be to us, and our unchristian purpose would be defeated by the kindred prejudices of that nation. Colonize them, then, in some of our Western Territories ! The expense and injustice of this undertaking would be considerably less, but it would be just no colonization at all. They would soon be surrounded by our advancing millions, and left in the very heart of the country from which you desire to expel them.

The whole scheme of colonization is so far beyond the present ability of the government, so destructive to the productive interest of the country, so inhuman and unjust towards the people whose unpaid labor has added so much to the wealth and comfort of the nation, and whose valor and patriotism have helped to sustain it in its late life-struggle, and so impracticable and impossible, even if it was right, that its advocates can scarcely expect to be credited with sense and sincerity at the same time. The thoughtless may be sincere, but the

knowing ones can only design to distract the attention of the people from the consideration of other propositions and necessities. And if colonization were practicable, what would become of the old theory urged by pro-slavery divines and politicians, who are for the most part the present advocates of colonization, that white men could not labor in the warm latitudes of the South? Do they propose now, in sending off the only possible laborers there, according to their theory, to abandon the culture of the South altogether? or do they confess they were only trying to cheat the people into the support of a cruel institution by false logic then, as they are trying to delude them with false theories now? If you mean to try colonization, why not begin it at once? The longer you delay the more numerous will be these people, and the more determined to stay. Bring in your bill and let us see the details. How many billions of new bonds must be put upon the market, how large an army will be asked, how many ships will be needed, and how many years will it take to effect the expulsion? What, in the mean while, is the world to do for cotton? What shall be done with the unwilling and the fugitives? Will you hunt them with bloodhounds, or procure the services of Buchanan's old marshals? Give us at once your bill of particulars.

If colonization is found impracticable, will you try to re-enslave them? I suppose not. The blacks are now too intelligent, too self-reliant, and too spirited to submit again to the oppressor. It is feared by some that the Northern wing of the Democratic party will again yield its neck, not yet quite free from the old callous, to the yoke of the Southern master; but the negro never will. Besides, the great Republican party, strong in number but stronger in its convictions of right, will always stand between the weak and oppression. I know it is said that that party may become powerless by the defection of President Johnson. It is alleged by the opposition, and feared

even by some of our friends, that when the grim leaders of the rebellion shall re-embrace their old party allies, a President placed in power by Republican trust and Republican votes, forgetful of an example that consigned two Presidents to private life and public infamy, will be present to celebrate the reunion of these pardoned principals in crime, with suspected accessories before the fact. I do not speculate as to what the President may do. You never know what a single man suddenly elevated to power may do. "Put not your trust in princes" is a warning that will apply to all men in power. I never could guess the secret motives that induced Tyler and Fillmore to betray the Whigs. I have often heard that a person who stands on the brink of Niagara, or climbs to the top of a lofty tower, feels an almost irresistible impulse to jump off. It may be some such unnatural sensation that prompted these two gentlemen to leap from their high eminence into the terrible obscurity below. I cannot believe that Mr. Johnson will follow these unseductive examples. But if he should, he alone will be broken. The tower will stand, but his crippled limbs can never again ascend it. The ranks of the Republican army would not even waver. Its contractors and sutlers would fly, to be sure; but without the loss of a man or a gun, it would still stand, the friend of the oppressed and the terror of the oppressor. Whatever individuals may do, be assured the Republican party will adhere to its principles, and in its principles will certainly triumph. The Whig party could hardly be said ever to have been in a settled majority of the people, and yet it stood the betrayal of two of its Presidents, and only broke down when it surrendered to the slave power in the Baltimore convention of 1852.

I conclude, therefore, that colonization and re-enslavement are both impossible. "Then extermination awaits them." So we are told. The census, however, tells a different story. These tables show that the black population multiply quite as

fast as the white. It is the large additions of the white element from abroad that gives that race an apparent advantage. I know that these people are poor. For long, dark years their industry has gone to swell the overgrown estates of their present persecutors. But they have been accustomed to a life of deprivation. Their wants are few; and in a country where labor is high and land and food are cheap they cannot waste away. I know it is thought that this rapid increase is due to the mercenary care of the master. The more children he could raise for the market, the greater his estate. This is true only of a few of the more Northern States. Breeding was not encouraged in the planting States farther south. The overseer's task was inconsistent with the duties of maternity. The services of the mother were worth more than her offspring. The life of the slave was graduated by the price of cotton, and, as a general rule, it would pay to use him up in seven years; and whatever would pay in that country was practised. Humanity was no restraint, for making a man into a brute makes the maker brutal. During the transition from bondage to freedom, in the midst of civil war and bitter persecution, their numbers may possibly diminish for a short time; but the expectation that they will become extinct has no foundation either in the history or characteristics of the race.

In endeavoring to look fairly at this question, I have found no evidence upon which to rest the belief that this race is ever to be colonized, re-enslaved, or exterminated. I come back, then, to the question with which I began, What shall be done with them?

"Let them alone." That is the answer given by a member of the New York Legislature when it was proposed to send surgeons to vaccinate the Indians who were dying of small-pox on the Reserve. "They are a drunken, vagrant, thieving race," said he; "let them alone. The sooner they are gone

the better for the country." "We cannot afford to let them alone," said the member in reply; "they spread the infection through the whole surrounding country, and we have only the choice to administer relief or suffer and die with them." Neither can we afford to let five millions of population, who are forever to remain in our midst, increasing as we increase, sink down into hopeless ignorance, degradation, and vice. If we do, our own race will certainly grade down to them. The more we degrade these people the lower we sink ourselves. The ignorant white people have been made to believe that the elevation of the negro is equivalent to their debasement. The reverse is true. The more we improve this unfortunate race, the higher we raise our own. Human influence is not confined by a sharp embankment of rank or condition. It overflows to adjacent ranks, corrupting or purifying them as it is itself corrupt or pure. All classes in society are elevated where there is no degraded class. It is the interest, therefore, of every white man that these people should be educated in morals, skilled industry, and letters. Every dollar expended for this purpose will economize losses by unskilled labor, by riots, theft, and poor rates more than tenfold. I am not now advocating the cause of this race, however meritorious it may be. I do not base the necessity of their improvement upon any claim of their own. It does not at all impair my argument to concede the truth of all the charges preferred against them, even by their most unscrupulous accusers. Suppose that their minds are as weak, and their proclivities to vagrancy and vice as strong, as the life-long despoilers of their earnings allege (admitting at the same time my premises that they cannot be sent abroad, nor re-enslaved nor exterminated at home), it only makes the necessity founded in self-interest, the more imperative upon us in every possible way to encourage their improvement.

I submit to the House that the cheapest elevator and best

moralizer for an oppressed and degraded class is to inspire them with self-respect, with belief in the possibility of their elevation. Bestow the elective franchise upon the colored population of this District, and you awaken the hope and ambition of the whole race throughout the country. Hitherto punishment has been the only incentive to sobriety and industry furnished these people by American law. They were kept too low to feel disgrace, and reward was inconsistent with the theory of "service owed." Let us try now the persuasive power of wages and protection. If colored suffrage is still considered an experiment, this District is a good place in which to try it. The same objections do not exist here that are urged on behalf of some of the States. No constitutional question intervenes. Here, at least, Congress is supreme. The law can be passed, and if it is found to be bad, a majority can repeal it. The colored race is too small in numbers here to endanger the supremacy of the white people, but large and loyal enough to counteract to some extent disloyal proclivities.

Why, then, should they not vote?

Because, say the opposition, that is negro equality! Equality in what? In mind, stature, education, morals, or wealth? If these much-coveted qualities can be so easily bestowed, is any man mean enough to withhold them? The objection is contradictory. First, he shall not vote because he is the white man's inferior; and, second, because it will make him an equal. Do you mean by equality personal friendship and social intercourse? Why, sir, if there is anything free in this country, or in any country, it is the right of each man to select his own associates. Companionship is free now, and will be then. It is your constitutional right to associate with men of color now, if you are so inclined, while you are not forced to associate with nor even speak to a white voter now, nor will you be with a black voter in the future.

On the other hand, it is the constitutional right of the colored man to shun you now, and his right would neither be enlarged nor diminished by his enfranchisement. The equality so much dreaded and so fiercely denounced, must mean, if it means anything, that a colored man's vote will count one towards the election of mayor and councils for Washington City and a white man's vote will count one also, and no more. That is all. And why should they not be so counted? What do the mayor and councils have to do that none but the aristocracy can judge of their fitness? Simply to mend the roads, look after the poor, and take care of the schools. Certainly these are subjects of deep interest to men of color as well as white men, and not above the capacity of the lowest. Colored men do the work on the streets; they ought to understand what repairs are needed as well as how to make them. You say they are poor,—they ought to know the poor man's wants. You say they are ignorant,—then give them a chance to vote against a mayor who loads them with school tax and deprives them of schools. In this District no vote is cast for President, member of Congress, judge of the courts, nor any officer except the administrators of local affairs, in which all citizens, however ignorant in national matters, are necessarily well informed. This action is not altogether an experiment. In Boston the colored people vote, and it is the best-governed city in the United States. But if it is to be considered an experiment altogether, then, as I said before, there is no better place in the whole country in which to try it than the District of Columbia.

Again, it is said it will lead to amalgamation. This cry has been too often raised to alarm even the most ignorant. When the Democratic party endeavored to establish slavery in the territory acquired from Mexico, the arguments in opposition were met by the cry of "amalgamation." Negro equality was their covering cry, during their long struggle,

through fraud and violence to force slavery on the unwilling people of Kansas. When slavery was abolished in the District of Columbia, "Amalgamation and negro equality" was bellowed by that party all over the land. When the great and good President issued his proclamation of emancipation, they again screamed "Amalgamation and negro equality;" and the cry came still again, in terrible shrieks, when slavery was forever prohibited by amendment of the Constitution. This is a standing argument with the opposition, and is brought out on all occasions when any legislation is proposed touching the interests of the colored population. Even on so trifling an occasion as the passage of a law, at the last session, allowing these people to ride in the street-cars, a cry of horror was sent over the country, that I thought would startle the whole Anglo-Saxon race to its feet in defence of its blood, but I soon saw that nobody was scared, and we all now see that nobody was hurt. Let our sensitive friends compose their nerves, and try to tell us how a little enlargement of the elective franchise, over small and purely local matters in this District, will result in marriage between the two races. It is fright that makes you mistake a ballot for a billet-doux. It cannot be possible that any man of common sense can bring himself to believe that marriages between any persons, much less between white and colored people, will take place because a colored man is allowed to drop a little bit of paper in a box, thereby intimating who he considers the fittest person to be mayor of this city. It is too trifling for argument.

We are again told that their average ability is below that of the white race. How do you know that? The colored man has never exhibited equal ability, to be sure, but he has never had equal opportunities. The forbidding statutes of the South attest the capacity of the negro. If they really believed his mind was so feeble, why bind it with such heavy chains? If he was incapable of learning, why prohibit it

with the penitentiary? Their theories proved he was weak, but their legislation acknowledged he was strong. They debased him by law to fit him for slavery, and justified slavery because he was debased. So in this District the withholding opportunities of improvement is justified on the ground of his inferiority, and his inferiority is shown by his lack of improvement. But suppose the white race is superior, does it follow that the inferior race should be deprived of any authoritative mode of making its wants known to the government? If mind is to be made the test of suffrage, a great many noisy declaimers against the negro will lose their votes. As a general rule, the men least fitted to vote are the warmest advocates of exclusion. They apprehend, with much reason, that they may be distanced in the race if the black man is not forced to carry weight. Such men should beware how they advocate a theory that would jeopardize their own votes if made universal. But it is further said that whatever their capacity, they are at least uneducated now. That would be but a short-lived objection if true, and not solely applicable to people of color. But it is not true of the largest portion of the colored people in this District. Nearly all of them can read, and the scholarship of many is of a very high order. The whole objection is easily obviated by an educational qualification.

Another objection, very much relied upon, is that a majority of the white population here are opposed to it. A prominent man charged with a high crime in Pennsylvania alleged that the hostility and prejudice of the people in the county where he was indicted would deprive him of a fair trial, and asked the Legislature to grant him a change of venue. The people of that county remonstrated, and submitted to the Legislature that they were the fittest persons to try him, *because they knew he was guilty*. If the people here were generally consenting to this enlargement of the franchise, its necessity would be less

apparent. It is because the negro is hated in this city, and justice denied him by prejudiced officials, that his vote is necessary for his own protection. Every vote against him at this pretended election was an argument in his favor. I know that the prejudices, erroneous sentiments, and even vices of the people should be somewhat regarded in legislation, and that vested wrongs supposed to be vested rights should be divested very slowly. But what less can we do in this direction than is proposed to be done by this bill,—namely, to bestow the elective franchise upon a handful of men who, as a body, are intelligent, sober, peaceable, and industrious, and in a District where only local officers are chosen, and over which our right to legislate cannot be questioned. It must be opposed, not upon the ground that it is going too fast or granting too much at first, but upon the ground that in that direction *no step* should be taken,—nothing granted now, nor forever; that this is exclusively a white man's government and the colored man is his slave. This is a rebel heresy entirely exploded by the war. We are coming back to the doctrine of our fathers. In the Continental Congress they asserted that "all men are created free and equal." They subsequently made the Constitution to accord with this sentiment, and for forty years, and as long as they lived to administer it, negroes were allowed to vote in all the old States except, perhaps, South Carolina. Both the precept and practice of our fathers refute the allegation that this is exclusively a white man's government. If we cannot now consent to so slight a recognition, as proposed by this bill, of the great underlying theory of our government, as declared and practised by our fathers, we are thrown back upon that new and monstrous doctrine that the five millions of our colored population and their posterity forever have no rights that a white man is bound to respect.

Who pronounces this crushing sentence? The political South; and what is this South? The Southern master and

his Northern minion. Have these people wronged the South? Have they filled it with violence, outrage, and murder? No, sir; they are remarkably gentle, patient, and respectful. Have they despoiled its wealth or diminished its grandeur? No, sir; their unpaid toil has made the material South. They removed the forests, cleared the fields, built the dwellings, churches, colleges, cities, highways, railroads, and canals. Why, then, does the South hate and persecute these people? Because it has wronged them. Injustice always hates its victim. They are forced to look to the North for justice. And what is the North? Not the latitude of frosts: not New England and the States that border on the lakes, the Mississippi, and the Pacific. The geographical is lost in the political meaning of the word. The North, in a political sense, means justice, liberty, and union, and in the order in which I name them. Jefferson defined this "North" when he wrote, "all men are created equal, endowed by their Creator with certain inalienable rights, among which are life, liberty, and the pursuit of happiness." This North has no geographical boundaries. It embraces the friends of freedom in every quarter of this great republic. Many of the bravest champions, like our still unstolen Republican President, hail from the geographical South. The North, that did not fear the slave power in its prime, in the day of its political strength and patronage, when it commanded alike the nation and the mob, and for the same cruel purpose, will not be intimidated by its expiring maledictions around this capital. The North must pass this bill, to vindicate its sincerity and its courage. The slave power has already learned that the North is terrible in war and forgiving and gentle in peace; let its crushed and mangled victims learn from the passage of this bill that the justice of the North, unlimited by lines of latitude, unlimited by color or race, slumbereth not.

SPEECH

ON RECONSTRUCTION.

Delivered in the House of Representatives, April 23, 1865.

THE House being in the committee of the whole on the state of the Union, MR. SOWFIELD said :

MR. SPEAKER,—What is the whole amount of disloyal population in the Southern States? I do not include in this inquiry persons who have been stigmatized as "sympathizers" or "copperheads," much less any other portion of the Democratic party, but only those who sought to divide the country into two republics and who now regret the failure of their enterprise. The whole amount of white population in the eleven Confederate States is 3,097,524. Deducting from this amount the estimated number of loyal people in those States, and adding the disloyal, scattered through the other five slave States, will give the answer to my question. Making this deduction and addition from the most reliable data within my reach, I conclude that the disloyal population in the whole South will not exceed, if indeed it will equal, five million in all.

If the eleven Confederate States were readmitted now (the Constitution and laws remaining unamended), what amount of representation in Congress and the Electoral College would this five million be entitled to claim? They would certainly have these eleven States. There could hardly be a doubt about

Kentucky. For if the loyal men of that State, sustained by the power of the Federal army and the persuasion of Federal patronage, with the young disunionists absent in the South and the old ones disfranchised at home, could scarcely hold their own, what could we expect them to do when these young men have returned, the disfranchising laws have been swept away, the army removed or palsied by orders, and Federal patronage at least uncertain? This would give them twenty-four Senators. There are four more States that belonged to the slave-holding class, Delaware, Maryland, West Virginia, and Missouri. Is it any stretch of probabilities to suppose that two more Senators will be picked up somewhere in these four States by the Confederate element? I fear there will be more. This will give them twenty-six Senators.

In the House of Representatives this population will have as large, if not larger, proportionate representation. By the apportionment of 1861 fifty-eight Representatives were assigned to the eleven Confederate States. These States will be so districted by the hostile sentiment of their several Legislatures that not one true Union man can be elected. To the other five slave-holding States twenty-six were assigned by the act of 1861. If any one will take the trouble to look over these districts, I think he will come to the conclusion that even if the laws disfranchising rebels in Maryland, West Virginia, and Missouri remain in force, not less than half of these will be controlled by the influence and votes of the late secessionists. This gives them seventy-one Representatives in the House. But even this large number must soon be increased. The two-fifths of the four million freedmen which were not counted in the representative basis of the last census must be counted in the census of 1870, and (other things remaining the same) add to that number thirteen members more; so that the five million disloyal population, as soon as their full power can be felt through the elections, will have at least twenty-six

Senators and eighty-four Representatives and one hundred and ten votes in the Electoral College. This is a low calculation. When we consider the earnestness, or rather, I should say, the fierceness, of these people, the ability, ambition, and courage of their leaders, we may well apprehend that the number will be even greater. But this number is their own,—legitimate and certain under the laws as they stand. Supposing the entire population of the United States to be thirty-five million now, this five million will be just one-seventh the whole, but will have more than one-third the representation in both Houses of Congress, and more than one-third of the Electoral College. The same amount of loyal population at the North is represented by only about half that number. If by factions or party division among the loyalists of the country they could contrive to secure one-sixth more of the representation, they would have a majority of the whole, and be able to control Federal legislation, elect the President, and distribute his patronage.

When these States are admitted and these people come to have the unabridged control of this twofold representation, how will they desire to use it? I do not inquire how they possibly may use it, nor even how they now expect or intend to use it, but how, if unrestrained by a united North, it would be their interest and desire to use it. For the perpetuation of the Union? I fear not. They have come back to the Union, we should remember, only by coercion. To them it is a forced bridal. They submit to it, but they do not, because they cannot, embrace it in their hearts. The soldiers maimed, wives widowed, and children orphaned in their bad cause, appeal to their leaders for the promised support, but the Union has no pensions for them. The fortunes invested in Confederate faith see no hope of realization in the Union. Hatred of the North and its antislavery majorities, the original motive for secession, is ten times stronger now than in 1861, and is backed up

by four billion dollars of debt, damages, and pensions, which, as they insist, could, in a separate government, be levied by an export duty upon the cotton-consuming world. The life-habits of these people, their love of ease and domination, their pride, aristocracy, wealth, and power were all the outgrowth of an institution which might possibly be revived in a separate republic, but which is forever gone in the Union. "Confederacy" is a word that must long be enshrined in their hearts by the tender memories of their fallen kindred, but it must live, as they well know, in the history, traditions, and ballads of the Union, associated with perjury, dishonorable crime, and cruel war. If they should profess to love the Union, we could not believe them. It is so unnatural that it would be easier to believe they were hypocrites than that they were monsters.

But they are neither hypocrites nor monsters. They do not love the Union, and do not pretend to. It is untruthful men of our own section that prevaricate for them. The same class of men that misrepresented the feelings of the North before the war, and thus deceived the South and goaded them into rebellion, now misrepresent the feelings of the South to deceive the North and lure it into irretrievable surrender. Before the war they deceived the South and betrayed the North; but now it is reversed, they deceive the North and betray the loyal South; the same perfidious breath that carried South the untruthful story of Northern hate, and thus prompted the war, comes back now with another story, equally untruthful, of Southern love. They tell us that the disloyal South is a gentle bride, impatient for the nuptials, when they know that she submits to them with loathing. Have they not laid down their arms? is the argumentative inquiry. No, sir; their arms were taken from them. Have they not submitted? No, sir; they were defeated in battle. There is nothing in their past conduct nor present attitude that justifies the use of the word submission. Prisoners of war have been taken, but

they were released on parol ; rebel armies have been dispersed, but they have been reorganized as State militia ; rebel State governments have been overthrown, but again revived and restored to the old possessors ; and forfeitures of life and estates have been remitted, but that is all. Call this clemency, privilege, triumph, victory, what you please, but do not call it submission, with which it has not one shade of meaning in common. We do not need to call witnesses to prove that these people are hostile to the Union and its interests. The history of the human race proves it. Whoever attempts to prove the contrary must first show that they are unlike any other people whose passions, struggles, and defeats are recorded in the annals of the world.

But witnesses have been called,—Union generals and rebel generals, Union and rebel citizens, without distinction of party, condition, race or color,—and all support under oath the great historic truth, that a purpose imbibed in infancy, cherished and stimulated by the rostrum, press, and pulpit for a lifetime ; upheld by large fortunes wrung from the toil of slaves, and sanctified by the blood of sons and kindred, has not been and cannot be surrendered to military orders. Such a purpose surrenders only to time. I do not present this great truth now by way of reproof or condemnation of these misguided people, but only by way of caution and warning to ourselves. I come to the conclusion, therefore, that they do not desire the perpetuation of the Union. If we would remove all restraints and give them freedom of choice they would revive the Confederacy at once. They would take advantage of a war with Great Britain or France to secure their independence, and they would take advantage of their double representation here to promote such a war. If no opportunity of escape should soon offer, would they not still live in hopes of it and in persistent hostility to the country's obligations to the soldiers, widows, orphans, and creditors of our war, and friendly to the assumption

of similar obligations created by themselves in the interest of the rebellion? Even in advance of their own coming, a portion of their vast claims have reached your files. When my colleague [Mr. Randall] from the Democratic side proposed that the National faith, pledged in war, should not be broken in peace, there was one voice from Kentucky against it,—only one by count, but considering the quarter from which it came, multitudinous in omen. A bill has also been introduced by a gentleman, sometimes called the Democratic leader in this House, to repudiate in part the public debt under pretence of taxing it, in violation of the laws by which it was created. These cannot be regarded as the oddities of one or two men, but rather as impulsive confessions of imprudent scouts, too far in advance of the following army. The purpose will not be generally disclosed until the forces are arranged for its execution.

I am speaking now only of the dangers that will beset the republic by the allowance of a representation, unfriendly to its prosperity and even its existence, in such disproportionate numbers. But we should not forget that this act is also a recognition, as republican in form, of constitutions we have never seen (except that of Tennessee), and all, except those of Lincoln origin, under rebel supremacy. The white Unionists who have been looking through five dreary years of persecution, lynching, and confiscation to this as their hour of deliverance, will find themselves betrayed into the hands of their old, unhumiliated, unrelenting tormentors. It also consigns the freedmen to the tyranny of old masters, not now as heretofore bribed to humanity by a moneyed interest in the preservation of their chattel estates. Twenty-five per cent., says an honorable gentleman who presents his back offensively to the North, as he makes his low obeisance South,—twenty-five per cent. have already perished. The wish no doubt was father to the thought with the masters in whose interest the declaration is made.

These, then, are my premises. I will repeat them :

1. There are only about five million disloyal population in the country.

2. This population when fully restored to the Union—the Constitution and laws remaining unamended—will hold more than one-third of its representative power and the supreme control of at least thirteen States.

3. They will be interested to use that power for the division of the Union ; and, failing in that, for the repudiation of its military and financial obligations.

Now, what is to be done ? If these States are denied representation, it violates the fundamental principle of republican government. If allowed a double and hostile representation, the Union itself must be destroyed or preserved at the expense of another war.

Three remedies are proposed :

1. Disfranchise some portion of the rebels.

2. Allow all the rebels to vote, but neutralize their disunion sentiments by enfranchising the blacks in these States.

3. Equalize representation by taking as its basis either the number of voters of the population, minus the disfranchised classes ; so that these States shall have no more representation in proportion to their represented people than the old free States have.

Either proposition would require an amendment to the Constitution, to be accepted by the rebel States as a condition-
precedent to their restoration. It is also proposed to couple with either proposition a second amendment, prohibiting the assumption of rebel debts and claims either by States or the United States.

The third proposition has commended itself to much the largest number of Union members, and the amendments to that effect have already passed this House by more than a two-thirds vote. This, then, so far as this House is concerned,

is the Congressional plan of reconstruction. All we ask of the rebel leaders who are wrongly charging us with having no policy at all, but designing to exclude them for an indefinite period, is a little time to put in form of fundamental law these pledges of future peace. For five years they have been out upon plague-infected seas. Can they not tarry at quarantine for a single session?

Stripped of all disguises, herein lies the main disagreement. Shall these States be recognized at once in their present temper, without guarantees of any kind and with a twofold representation? It is not whether they shall be represented at all; to that we all agree. There may be a little question of time; a difference of a few weeks or a few months, and that is all. Shall they be represented twice over, once in their own names and once in the name of the negroes? Shall they come in upon a representative basis that clothes a white man of the South with almost as much again political power as a Northern man controls? That gives two white voters in South Carolina as much voice in the selection of a President and in the legislation of this House as five voters in Pennsylvania possess. That practically gives to one-seventh of your population, disloyal at that, more than one-third of your power. That, sir, is the great question before this House and the American public. It is an effort on the part of the opposition to carry into the politics of the country the old problem by which sixteen is made the majority of forty-nine. In England, it is called the system of "rotten boroughs." It has long been the subject of political strife between the free- and slave-labor counties of Maryland, Virginia, and Tennessee. And when it is everywhere else abandoned as a pernicious and anti-republican theory of representation, we are asked to make it the basis of reconstruction in the model republic.

The exactment of these two simple and brief amendments, or others similar in purpose, is so absolutely necessary for

the preservation of the republic and the discharge of its obligations to its soldiers and creditors, and is so just and even generous to the insurgents, that they ought to receive the assent of every Union man, especially of every Northern Union man. The opposition do not dare to discuss their merits. While some deny that we have any plan of reconstruction, others assail it with insidious and deceptive objections. Some of these I propose to notice here.

First of all, they complain of the consumption of time. Five months have passed, and not a rebel admitted, is the complaining accusation. The opposition are impatient. They cannot wait. Come in at once, say they, to the "erring brethren." Do not wait to drop your side-arms or exchange your disloyal garments. Bills to protect the loyal men of the South against your pretended violence are pending now, come and help defeat them. We will soon have bills to enlarge pensions and equalize bounties to the soldiers you have maimed and the widows you have made; your advice and votes will be needed. A bill to give bounty-land to the "boys in blue" could not be defeated, nor the "butternuts" included without you. A bill to lift the burdens of taxation from the industry of the country and place it upon your foreign confederates, through exported cotton, will need your attention. Hurry up your organizations. Do not wait to heal lips blistered with a double oath of broken fealty before you kiss the Holy Evangelists with another. We have buried our sons and are languishing to clasp the hands of their murderers. When once admitted, deny that you ever tried to break up the government, but swear on all occasions that the Lincoln party were and are the traitors.

The complainants have only themselves to blame for much of this delay. Except for their persistent opposition, the amendments would have been submitted months ago to the Legislatures then in session in the loyal States, and been assented to,

no doubt, by the constitutional number. Except for their own opposition they might now be welcoming back their long mourned friends to seats in these halls. But they would consent to nothing that did not return them greater in numbers and more malevolent in purpose. Hence the delay. *Hinc illæ lachrymæ.*

Next we are told that it conflicts with the "President's policy." What is the President's policy? I aver, first, that the President when last authoritatively heard from, was in favor of the principle embodied in each of the proposed amendments. Of the first one, because he required the Confederate States to adopt it; of the second one, because he has repeatedly declared himself in favor of making the number of voters the basis of representation. I aver, second, that he does not consider the *status* of the States such that their assent to constitutional amendments cannot be required as conditions-precedent to their restoration, because he directed Mr. Seward to inform these States that their assent to the amendment proposed in the last Congress was "indispensable" to restoration; and because he has not himself dealt with them as if they were States already in the Union. When the Confederacy fell, they were in full operation under governments originally organized in the Union. Governors, Legislatures, judges, and a full set of county and township officers were at work under constitutions once declared to be republican in form by the United States. These governments were regular, unless you assent to the doctrine of forfeiture, for they had political continuity, what the church people call apostolic succession. Yet they were destroyed by the President's order, and new ones extemporized in their stead.

From that time to this, in these States, the breath of the President has been the law of the land. Mr. Johnson went much further in this direction than his predecessor. Mr. Lincoln established governments only in States where he

found none existing before, but Mr. Johnson first destroyed existing governments and then supplied their places with those of his own creation. So, both by words, and actions which speak louder than words, the President assents to every principle involved in the Congressional policy of reconstruction. Indeed, the two policies could not well conflict, because they relate to different subjects. The one creates or revives State organizations, the other renews their Federal relations. When these organizations were complete, and the States ready to apply to Congress for a return to the Union, the President's policy was ended. His work was all done. The rest was for Congress. So he directed his Secretary of State to inform Governor Sharkey, July 24, 1865, Governor Marvin, September 12, 1865, and so he informed us in his annual message. If he has changed his policy since then, it is hardly worth while to inquire what it is now, for his principles are written in water.

I do not wish to disguise the fact that while he approves the two amendments and believes the power exists to require their adoption as conditions of return, he thinks it unnecessary to insist upon any terms additional to those imposed by himself. It is in this opinion that his old persecutors, the defeated enemies of the Union, the foiled plotters of his assassination, have taken heart, and with cruel malice conspired with Northern sympathizers to pursue him with their unrelenting friendship. Their last hope for the destruction of this country lies in the seduction of its friends. War failed them, they resort to diplomacy. The President was not much moved by their threats, will he be seduced by their flattery? If so, let me assure those of our friends who are disposed to suppress their own convictions in hope to detain him and his patronage in a little select court party, that they might as well exercise a reasonable liberty of opinion. For if he ever determines to trust his political future to anybody besides the great,

earnest, triumphant Union organization that elected him, he will have sense enough to put them aside as mere nobodies in popular strength, heartless friends and harmless enemies, as courtiers always are, and push straight for the "Southern brotherhood," the opponents of a permanent and peaceful Union.

In that event his children and friends may well rejoice that the past, at least, is secure. His patriotic thoughts of the last five years will still live, although only to reprove him.

Again, it is said by way of excuse, "Why not admit such Union men as Fowler, Stokes, and Maynard, of Tennessee?" Because it is not a question about men. Shall a disloyal district, while it is still in a disloyal spirit, be declared entitled to representation with only half as many people in it as we require for a district in the North? That is the question. Captain Semmes ran up the Union flag when he wished to decoy an unarmed merchant vessel under the power of his guns, but replaced it with the pirate emblem when he had secured his victim. The names of these patriots are hung out to-day to secure representation to a rebel constituency behind them, but they will be hauled down at the first election and rebels put up in their stead. You may think you are only recognizing the Union flag, but when it is too late you will find yourself alongside the "Alabama" and in the power of its pirate crew.

But it is said in reply, "We will not admit disloyal men, even if elected." How can you help yourselves? If a whole delegation from South Carolina, for instance, present themselves to the Clerk of the last House, and ask to be placed on the roll prior to organization, and tender him the certificate of their election, signed by the governor and sealed with the great seal of that most sovereign State, shall the Clerk say which is loyal and which not? I suppose not. After the organization, in which all have participated, and all have

been qualified, and taken their seats, you will get up an inquisitorial committee to explore the secret recesses of their consciences and be father confessors to their sins. "No, but the iron-clad oath will exclude them." Do you not know, sir, that almost every man who is in favor of admitting these States without conditions is also in favor of repealing that oath? They already denounce it as an odious and unconstitutional test. The Secretary of the Treasury and the Postmaster-General, backed up by a message from the President, ask its repeal so far as regards their Departments, thus making rebels as eligible as Union soldiers to appointments here, and under such lead I expect to see it swept away, and so do most of the gentlemen who are now urging us to lay aside a real safeguard and trust to this cobweb of a morning.

But suppose we could in this way contrive to dictate to these people whom they should and whom they should not elect, what kind of representation would that be? We say to them, "You are free to select your representatives, but mind that you select such as suit us, not yourselves." You call that representation. I call it obedience. We propose to extract the envenomed fang of the serpent before he is uncaged; and you to bind him with test oaths afterwards. Suppose, again, you could manage to exclude in this way those who had been engaged in the rebellion, do you not know that a rebel constituency could find a fit representation outside that list, and all the more dangerous on that account? If they had none at home, they could colonize from the North.

Again, magnanimity is invoked as a shield of desertion. A great nation, it is said, can afford to be magnanimous. Of course it can; but let us see how this is. For four years these people made war upon us, without cause or even plausible excuse. Before they began it, we begged them, in great humility, to withhold from the country this terrible desolation. In tears

we warned them of the punishment that must follow. Our entreaties and warnings were received in the rebel capital, so their telegraph informed us, "with peals of laughter." They fired upon us while we were yet upon our knees begging for peace and union. The contest once begun was conducted on our part with great forbearance and within the strictest military law. We even returned, for a while, their fugitive slaves. On their part it was conducted not only with the condemned system of cruel guerilla and piratical warfare, but with fire, poison, yellow fever, and assassination. The estates of Union men within their power were confiscated, and have never yet been restored, and Union men were hung for treason to their pretended government.

You tell us they have suffered. So have we. Peace has come at last; business prosperity will return; the insignia of mourning will be laid aside; but in the heart of every family there is an unspoken sorrow that will sadden life even to the grave. Now, we are admonished to be magnanimous to the authors of all this suffering. I accept the admonition, but I submit that we are so already. The law condemned them to death, and we have pardoned them. Their estates were forfeited, and we have restored them. Not a traitor has been hung; not one convicted; not one tried; not a dozen arrested; but many have been honored as rulers in States they only failed to ruin. The high-sounding eloquence of the gentleman from New York [Mr. Raymond], calling upon us to admire the "courage and devotion" with which these bad men prosecuted a cruel war against our kindred, our homes, and our country for four years, has scarcely subsided, when our tears are invoked over their self-inflicted sufferings. Thus, at this end of the avenue, we are alternately called upon to admire and pity them, while at the other the green seal is kept hot with its work of clemency,—clemency often unsolicited, sometimes contemned. We have even ordered

historic inscriptions to be erased from captured cannon at West Point, that the boys educated at the expense of a government their fathers could not quite destroy might not be irritated. What more can we do? What more can gentlemen ask in the name of magnanimity? "Give to this one-seventh of your population more than one-third of your political power." Is that what you ask, and call it only magnanimity to the false men of the country? Call it rather treachery to the faithful; or if that sounds too harsh, call it submission, surrender, what you like,—but for the sake of truth, let no one call betrayal of country and friends magnanimity to enemies.

Again, sir, the effort to cut off the excess of this unpatriotic and sectional representation is ascribed to party motives. Is not the opposition exposed to the same charge? Is not the Democratic party as anxious to secure friends as we are to avoid enemies? For the last five years they have been beaten everywhere. Every election has proved to them that they were growing small by large degrees. "Would to God that night or the rebels would come!" has been their daily prayer. Does this haste to embrace the misguided brethren come solely from pure love and affection? Is it not possible that their passion is somewhat like that of—

"The immortal Captain Wottle,
Who was all for love, and a little for the bottle."

Is it not possible that they look a little to party, too? That they long not only for the alliance, but the leadership of the South? They must remember that this leadership was generally able and always consistent, however unwise. It was not under that lead that they proclaimed both secession and coercion unconstitutional; that the war for the Union was constitutional, but there was no constitutional mode of con-

ducting it ; that an army should be raised, but volunteering was impracticable and drafting unconstitutional ; that it was right to raise money, but wrong to tax or borrow ; that they were opposed to emancipation, but not in favor of slavery. It was not under that lead that Andrew Johnson was denounced as Lincoln's satrap when he consented to be provisional governor for a State from which the old governor and Legislature had run away, and cheered as a patriot when he drove out the governors and Legislatures of half a dozen States, and supplied their places with appointees of his own. Is it not probable that, tired of their contradictory and hypocritical position, they crave the undissembling leadership of Breckenridge and Hunter, Davis and Toombs, as much as we can possibly dread it?

As another excuse for opposition to this plan of restoration it is said there are other inequalities in representation that ought to be removed as well as this. An honorable gentleman from Pennsylvania complains that the six Eastern States have each two Senators, while New York and other large States have no more. It is true that some of the Eastern States are small ; but the Constitution provides that each State, whether large or small, shall have two Senators ; and it further provides that while that instrument may be amended in other respects, with the assent of three-fourths of the States, in this respect it shall not be amended without the assent of all the States. But why point only to the Eastern States to illustrate the inequality of senatorial representation? The best illustration of it is not to be found there. The population of these States is 3,135,223. In the South you can find a smaller population with a larger representation in the Senate. The population of Arkansas, Texas, Florida, South Carolina, West Virginia, Maryland, and Delaware is only 3,032,761. Here are seven States with more than one hundred thousand less population than the six Eastern States, one-third of that

being negroes, with fourteen Senators, two more than New England. Why did not the gentleman make his point on these States? Was it because the Eastern States are free and loyal, and the others were slave-holding and in part disloyal? And why, just in this connection, does he complain that bounties are paid for catching fish? He never complained when higher bounties were paid for catching men and women for the Southern market. These are the old complaints of the South, warmed over, in anticipation of its return; groundless, no doubt, but if ever so just, furnishing no good excuse for allowing to the complainants a twofold representation in this House.

Once more we are reminded that taxation and representation should go together. True, sir, but that would not entitle them to a double representation, nor deprive Congress of a reasonable time for deliberation as to the extent of the right and the best mode of securing it. But if it is meant that they are entitled on the score of taxation to instantaneous, unconditional, and disproportionate representation, I must beg leave to inquire, where are the immense taxes paid by them, upon which to base such extraordinary claims? The loyal people of the country have been paying burdensome taxes, a million per day, imposed by their misconduct, but when and where have they paid taxes? For the last five years they have paid none, and the amount they are just now beginning to pay is too trifling for argument. If the right of representation could be acquired by imposing taxes upon others or by robbery of the government, their claim would be indisputable. They robbed the Southern post-offices of money, stamps, and mails; the arsenals and military and naval depots of ammunition, arms, and clothing; the custom-houses and sub-treasuries of goods, bonds, and money; and the New Orleans Mint of six hundred thousand dollars in gold, and have never made restitution. But they have paid

very few taxes, and long before they will be called upon to do so a fair and adequate representation will be accorded them.

But they have still another argument,—the one relied upon when all others fail, their refuge from discomfiture in every other field of debate,—and this is what they call the constitutional argument. When they find themselves unable to maintain in discussion the propriety of allowing the disloyal population a twofold representation, the half to represent themselves and the other half to misrepresent the loyal people, white and black, in their midst; when they can no longer screen themselves behind the “President’s policy,” words of indefinite meaning; when their aspersion upon our motives is repelled by showing that they have as strong party interests in forming an alliance with the rebels as we possibly can have in trying to prevent it; when their taxation theory is demolished by a report from the Secretary of the Treasury, they fall back upon the constitutional right of States to representation. They will retreat no farther. This is their last ditch in debate. And here—

“In Dixie’s land
They take their stand,
To live or die for Dixie.”

Mr. Speaker, we are in an anomalous condition. The Constitution does not especially provide for the difficulties with which we are surrounded. Our fathers could not believe that so large a portion of the American people could be so barbarized by slavery as to undertake such stupendous crime. They did not provide for what they could not foresee. There are no precedents on file to guide us. This is the first disunion rebellion. Ours will be the first precedent in reconstruction, and the last—only if it is justly and wisely made. There are objections, plausible or otherwise, to every theory that has

been or can be advanced as to the *status* of these States. My colleague [Mr. Stevens] suggested that their present position was very much like that of California after the Mexican war. A score or more of speeches have been made to show that there are objections to this theory. The gentleman from Ohio [Mr. Shellabarger] suggested that these State governments had perished in the rebellion, and that now new ones, republican in form, should be originated by Congress. Objections were raised to this theory. The gentleman from New York [Mr. Raymond] suggested that new governments must be originated and proper guarantees and conditions could be imposed, but these things should be done by the commander-in-chief of the army and navy as the terms of surrender. Objections have been raised to that theory, also. Others, still, take the position that, inasmuch as new constitutions and new governments have been established in these States originating in an irregular or revolutionary manner, it is the duty of Congress, under the fourth article and fourth section of the Constitution, to see that they are republican in form, and in the discharge of that duty, require such conditions or guarantees as the safety of the Union, in their judgment, demands. This, too, is objected to.

An honorable gentleman from Pennsylvania at the other end of the Capitol, with some self-conceit, as it seems to me, sets down all these reconstruction suggestions or theories as mere whimsies. He has a plan of his own to restore the Union and get rid of traitors. It is simple in theory and cheap in execution. He will execute it himself with only the aid of a constable. Whenever a rebel shows his head he and his constable will pounce upon him like a Buchanan marshal on a flying negro. He will put him where no rebel ever went before with his consent,—in the old Capitol Prison. If the honorable gentleman really thinks that his plan is practicable, why does he not set about its execution? His intended vic-

tims swarm through the Capitol and the White House, and two or three dozen of them are asking admission to Congress. There are objections to this theory. Indeed, it has been tried. It was Buchanan's plan for suppressing the rebellion, but it failed.

Now, sir, the theory of the opposition, based upon the second and third sections of the first article of the Constitution, under which members from the rebel States are to be admitted to these halls without our leave, is that the right of a State to representation cannot be forfeited or lost so long as these two sections remain unaltered. Is there no objection to this theory? Why, it concedes the right of representation during the whole war. Their members could have entered this Capitol at any time and voted as the interest of the Confederacy required. If the war had lasted fifty years instead of four, the right would have run through all that time. Nor would it have ceased if our armies had been overpowered and the Confederacy left unmolested. After one hundred years of separation they might still vote for President and send members to Congress. Unless you admit the doctrine of forfeiture, you cannot avoid this conclusion. Aside from this doctrine, nothing but an amendment to the Constitution could deprive them of this right. But the Constitution could not be amended, because these eleven States are more than one-fourth of the whole, and the assent of some of them would be necessary for any amendment; and to deprive them of Senators the assent of every one would be necessary.

The advocates of this theory, to avoid the result, concede that the right of representation would be forfeited by success. But how? The Constitution is not changed by the result of a battle. There it is, just as it was before. If they lost nothing by defeat, would they by success? They lost nothing by secession and unsuccessful war, you say, because these were unconstitutional. Can they lose anything, then, by victory?

Would not that be unconstitutional, also? "But we would acquiesce." Well, suppose we should; would not acquiescence be unconstitutional and void? Where in the Constitution are we authorized to acquiesce in a division of the republic? If their ordinance of secession was void, would not our consent to it be equally void? If the ordinance was void, can it be rendered more so by defeat, or less so by victory? Some of the advocates of this theory, to avoid this reasoning, concede that the right of representation is forfeited or suspended during "contumacy." This cruel word to characterize the great rebellion is not original with me. It is the word maliciously chosen by our conservative friends who are determined to make treason odious. I wish the printer to enclose it with inverted commas, that such severity of language may not be ascribed to me. But who is to decide when the suspension begins and when it ends? The State? If so, that is no suspension at all. A right that can be taken up and laid down at pleasure cannot be said to be suspended. Is Congress the judge? Then I submit that by secession from the United States, by the formation of a new confederacy, by four years of terrible war and five of scornful refusal, these States would become a little contumacious, and Congress would be justified in suspending their rights until the legislation necessary to make representation fair and equal could be agreed upon and passed. And that is all that anybody here proposes to do.

This appeal to the Constitution for authority to hand the government over to the unrepentant plotters of its destruction is but a continuation of the policy pursued by the opposition for the last five years. During that period they have raised a cry about the Constitution many times, but always in opposition to good measures or in advocacy of bad ones. When it was first proposed to coerce the rebellion and save the Union, and at every following step towards apparent success, they

cried "unconstitutional." It was unconstitutional to raise an army or march it into the sacred soil of the South. It was unconstitutional to issue bills of credit to meet the expenses. It was unconstitutional to close a rebel port or arrest a rebel spy, to proclaim martial law in a rebel country, or to appoint a provisional governor for conquered Louisiana or abandoned Tennessee. Look back through the debates of the opposition; there is nothing constitutional but slavery and rebellion; nothing so unconstitutional as coercion and emancipation. Judging from these debates, the Constitution was especially framed to repress liberty, punish fidelity to the Union, shield oppression, and honor treachery and great crime. These war measures are all constitutional now. Great light is thrown upon the Constitution by the surrender of Lee. The gleam of successful bayonets illumines the dark understanding of pro-slavery quibblers. But, alas! the light of success shines only on the past. All the future is still unconstitutional. The "unconstitutional, disunion, abolition war" is rendered constitutional by the victory of our soldiers, but the effort to secure to the country the fruits of that victory by appropriate legislation is as unconstitutional as ever.

Here I close my defence of the Republican policy of restoration. Shall that policy be adopted? Not by this Congress, it is said, because enough conservative Republicans will unite with the opposition to defeat it. Then, by falsely charging upon the Union party non-action and lack of purpose, it is hoped that a Congress can be elected next fall which will repeal the test oath and admit the rebel States without guarantees or conditions of any kind, and with a representation always excessive and now enlarged by emancipation. Without the enlargement (which will not be attained until after the next census) the eleven Confederate States will have eighty votes in the Electoral College, controlled entirely by the late insurgents, namely,—

Alabama	8
Mississippi	7
Arkansas	5
Texas	6
Louisiana	7
Florida	3
Georgia	9
North Carolina	9
South Carolina	6
Virginia	10
Tennessee	10

They will need seventy-seven more to elect a President. Kentucky, Missouri, Maryland, and Delaware, States with strong Confederate proclivities, will, it is claimed, furnish thirty-one, while the other forty-six can be made up by the Democrats of New Jersey, New York, and Connecticut. The classification of votes by which the President would thus be elected would stand, Confederates 80, semi-Confederates 31, Democratic 46. This Presidential scheme will undoubtedly fail, and yet it is the only one that has the slightest chance of success. If the Union party can be beaten at all, it must be by this or some similar combination. Suppose it successful, then what would be the character of the new administration? Four members of the Cabinet would belong to the eighty Confederate votes and the other three to the seventy-seven from the Northern and border States. All Presidential appointments at home and abroad must be made on the same line of division.

If, as is alleged, this combination could also carry a majority of Congress, the Confederates would have a majority of that majority, and in caucus (giving their allies the Clerk) would demand the Speaker and a majority of all committees, such as the Ways and Means, Claims, and Pensions, to which their peculiar interests might be referred. Pensions must then be surrendered or divided with Confederate claimants;

service in the Union army would be an impediment to political success, and the Treasury, supplied by the industry and economy of the North, would be steadily absorbed in Confederate damages. Then your creditors might count their worthless bonds, and learn exactly how much it cost them to reclaim their fugitive masters. Then the pensionless widows and orphans of our valiant dead might bemoan, in poverty and neglect, the ingratitude of a republic saved by a husband's and father's blood. And then our surviving soldiers must conceal their honorable scars to save a humble position in the capital they helped to preserve,—for the enemy. Then, sir, we will all see, feel, and realize what the opposition, in different phraseology, constantly assert, that the object of the war was to force the rebels to become our rulers.

SPEECH

ON THE BILL TO PROVIDE FOR RESTORING TO THE STATES
LATELY IN INSURRECTION THEIR FULL POLITICAL RIGHTS.

Delivered in the House of Representatives, January 19, 1867.

MR. SPEAKER,—As the Confederate population, five or six million in numbers, is to remain in this country, and to some extent shape its destiny, it is all-important that we so reconstruct the Union that this population may become an element of strength rather than of weakness to the republic. Powerful as we are, we can hardly afford to allow a population so large, brave, and reckless to settle down into chronic discontent—forever to be to America what Ireland is to Great Britain, Poland to Russia, or Hungary to Austria,—an ever-ready element of revolution. To avoid this result is the avowed purpose of both political parties ; but, strange to say, with the same professed end in view, they start out upon paths leading in quite opposite directions. The Republicans claim that the Union can be best preserved by removing the causes of discontent and thus extinguishing the motives to disunion, while the Democrats think the Union can be best preserved by tolerating, conciliating, and fostering the errors and wrongs from which disunion sprang.

For instance, the preservation of slavery was the original motive for secession. To destroy this motive, the Republicans propose to abolish and the Democrats to foster slavery. Acting upon their theory, and anticipating the final overthrow of

the rebellion, the Republicans began, early in the war, the removal of its cause. They prohibited the extension of slavery, abolished it in the District of Columbia, forbade the return of slaves by the army, repealed the fugitive slave law, supported Fremont's, Hunter's, and Phelps's partial and Mr. Lincoln's more general proclamation of freedom, and finally, by an amendment of the Constitution, prohibited it everywhere and forever. Thus, it was hoped that when the rebellion should be suppressed, no conflicting interest would be left, about which the North and South could quarrel. There appeared, however, to be a lingering hope in the minds of the late masters that in a separate republic the institution might still be revived in some modified form and something at least of their large investment saved, and to this extent the motive to renew the struggle in more propitious times survived. This hope and motive for disunion would grow weaker and weaker as the subject-race become more and more intelligent, thrifty, and self-reliant.

To facilitate this result, the civil rights and Freedmen's Bureau, the franchise, and many other minor bills of like import were passed by Congress. The advancement of the negro was thought to be a greater hinderance to the revival of the disunion institution and a greater discouragement of Confederate outbreaks than repealable laws or amendable constitutions. This was the Republican plan of reunion. The Democrats, acting on their theory of fostering and thus conciliating the disturbing elements, opposed all measures for emancipation; and are still opposing bills for improving the colored race. I do not question their sincerity. Quite likely they sincerely thought that the best way to unite the North and South was to yield to, extend, cherish, and propitiate the cause of disagreement. But this is passed. The great work is nearly accomplished, and I refer to the course of the two parties upon it only to illustrate my position, that

they seek the preservation of the Union in diametrically opposite directions.

The Republicans had hoped that by the removal of this original cause of quarrel all incentives to disunion would disappear; but on the threshold of reconstruction another, and to some extent an unexpected, trouble presents itself. The Confederacy had four and a quarter years of nationality. During this time vast interests, passions, and resentments grew up under and centred in it. She contracted many debts, a debt in bonds and currency to her capitalists, of damages to her property-holders, of honor to her soldiers, memory to her fallen, and alms to the suffering. The dead claim homage; the maimed, widowed and orphans, pensions; the impoverished payment, and the leaders historic honors. These interests and passions embrace all classes and appeal to all hearts within the circumference of Confederate power. This makes a cause stronger than slavery. There is more money in it by half, and quite as much to awaken resentment or provoke resistance.

If these people come back with these interests unbarred by a constitutional amendment, how can they avoid struggling to save in the Union all that was risked in the Confederacy? If they do not, they must be worse than men or better than angels. But these interests are in direct conflict with the corresponding interests of the Federal government. The reunited nation cannot honor Grant for preserving the Union and Lee for attempting to destroy it. We cannot mourn for the three hundred thousand Union dead, and pension the men at whose hands they fell. It will be another war of sectional interests, to be fought over in the halls of Congress, the State Legislatures, on the hustings, and then again, if opportunity presents, on the field of blood. The "lost cause will take the place of the slave power" with a larger investment to back it, and a less repulsive face to defend.

What shall be done with this new element of disintegration and strife? The Republicans propose to dispose of it as they did slavery,—bury it by another amendment of the Constitution. And why shall not this be done and the Union thus purified and harmonized restored at once? Does Congress stand in the way? No, sir; for eight months the two policies—Republican surgery and Democratic opiates—were discussed and contrasted in these halls, and almost everybody here came to the conclusion that it was better to cure than palliate the disorder. The amendment was agreed to, four to one. Do the people neglect their duty? No, sir; the amendment was sent out to them and for three or four months rediscussed. They approved it, and in twenty-three of the twenty-six States elected Legislatures instructed to adopt it. Do these legislative servants disobey instructions? No, sir; they are now assembling, and State after State is recording its verdict. Very soon these twenty-three States, having a population in 1860 of twenty-one million five hundred thousand, and not less than twenty-seven millions now, will send to a perfidious Secretary the official evidence of the people's will. Delaware, three counties large, Maryland, betrayed to the Confederates by a servant less treacherous than weak, and Kentucky, whose patriotism in the great struggle hardly rose above a dissembling neutrality, alone give a negative answer.

By the census of 1860, the entire population of these three States, white and black, was only one million nine hundred and fifty-five thousand, and cannot much exceed those figures now. Who, then, stands in the way? Not the Democratic party; the amendment was beyond their reach when it passed Congress and was endorsed by the people: not the President; the Constitution withholds from him any authority over the question of amendment. Who, then, stands in the way? One old man who is charged by law with the duty of proclaiming the adoption of the amendment, but who (the

Chicago defeat being still unavenged) has determined to incorporate into the Union the *débris* of the late Confederacy; to be in place of the "irrepressible conflict" the breeder of present broils and future rebellions,—he stands in the way. He has contrived a theory of estoppel. The amendment, he tells us, is void without Confederate sanction. The will of the people of twenty-three States, nay, the whole twenty-six if they had been unanimous, must go for nothing unless approved by a few million rebels scattered through the Confederate States. Having set up his theory, he undertakes to procure from these "misguided people"—never more misguided than when led by him—an expression of dissent. His machinations are likely to be successful.

In 1861 the Southern heart was fired by the taunts and promises of Northern Democrats. "The election of Lincoln," they would say, "is an assault upon your institutions and an insult to the South." They promised in case of trouble to take care of the abolitionists. There should be no coercion; but when the trouble came they shrunk away from the people they had thus prompted, perhaps unintentionally, to resist. A good deal of half-treasonable criticism on the action of the government when deeply embarrassed and struggling for life, a little secret encouragement and silent sympathy for the foe, were the only noticeable departures from a strict neutrality. Their promise was broken. Let me warn these Confederates who have abandoned their scheme of separation in good faith, to beware of their old advisers and their new leader.

Here, then, arises an intermediate question. It is not whether Confederate assets shall be buried in the same grave with slavery as the Republicans propose, nor whether they shall be tenderly taken up and warmed into venomous life, in the bosom of the Union, as the Democrats propose; but whether this question shall be determined by the States in the Union or by the Confederate States.

What, then, is the status of the ten Confederate States? Are they States or Territories in the Union? If States, they can control the other twenty-six on a question of amendment; if not, not. They must be one or the other. Some suppose they strike intermediate ground by calling them overthrown, disorganized, or suspended States. But certainly a State overthrown or suspended is not at present an existing State, nor is a disorganized an organized State. If they have no present existence as States they are only at the most theoretic States, which are no States; or prospective States, which are Territories. They have certainly not been acting as States during the last six years, and they are only claimed to be so because no way for the severance of a State from the Union is provided in the Constitution. Once a State therefore always a State. If they are States now, they have been so for the last six years. Look at the consequences. By article one, section five of the Constitution, no business can be done in the absence of a quorum, and a quorum is there declared to be a majority of all the members. Now, if the Confederate States were also States in the Union, for the last six years this House consisted of two hundred and forty-two members, and no business could be constitutionally done without the presence of one hundred and twenty-two members. But for all this time we have acted on the hypothesis that the House was composed of only one hundred and eighty-four members, deducting fifty-eight for the rebel States, and that ninety-three made a quorum. The Senate has acted on a similar presumption, counting twenty-six, instead of thirty-seven, as the constitutional quorum. Probably more than half of our legislation has been enacted, as will appear of record, when either the House had less than one hundred and twenty-two, or the Senate less than thirty-seven members present. All this must therefore be unconstitutional and void.

Again, a Presidential election occurred during the war. If

the Confederate States had not forfeited their privileges as States in the Union, they were entitled to cast eighty electoral votes. These eighty votes might have decided the contest, and they might thus have chosen the commander-in-chief of our army and navy to conduct the war against them ; or, by casting their votes for Jefferson Davis, they might have defeated an election by the people and thrown it into this House. What then? We vote by States (article two, section seven), and two-thirds of all the States must be represented. If Kentucky and Missouri had joined the Confederacy, as they attempted to do,—and they actually were represented in it during the entire war,—more than one-third of the States would have been absent, and the election of President would have become impossible. The Senate would have encountered the same difficulty in the election of Vice-President. To perform this duty two-thirds of all the Senators must be present. That number could not be had in the case supposed, and so we must go without executive officers until the rebel States choose to relieve us by sending representatives to aid in choosing them for us.

Suppose, again, that pending the war it had become absolutely necessary to amend the Constitution, that all parties concurred in its propriety, and the loyal States were unanimous upon the subject, it could not have been done without the consent of the Confederate States. Though formed into a separate republic and conducting a war with this, not the slightest change in our fundamental law, however necessary to our salvation, could be had without their consent. And this state of things would have continued as long as the war continued, even if it were a quarter of a century ; worse than that, sir, in the light of this theory they were States in the Union until released or expelled by an amendment of the Constitution. Such an amendment required the consent of all the States. No matter, then, how the war should terminate, or

whether it terminated at all, their power over us could never be severed without their consent. Seceding and fighting would not do, you say, because these were unconstitutional acts. But whipping us, I would suppose, would be quite as unconstitutional as fighting. If they had succeeded in the war and maintained a separate republic, they could then have run their own government and in part controlled ours in spite of us. The absurdity of this hypothesis proves the truth of the other. When a State rebels and levies war against the Union, it thereby forfeits its privileges as a State, and can only be restored by Congress.

Absurd as the other theory is, upon it the Secretary of State has undertaken to bring back to the Union the Confederate population, freighted with all the belligerent interest collected by four and a quarter years of nationality and war. How? Not by convincing the people; that has been tried and failed. Not by executive patronage; that has failed also. Not by corrupting Congress, for his old lobbyist is powerless here. No, sir; he meditates the seduction of another old man who happens to hold the balance of power in the Supreme Court; vague rumors of a mission to England are afloat. The Secretary seems to think that a man who can betray his constituents and misrepresent his State will make a good misrepresentative of the nation abroad; and why not send a second champion of his theory to flaunt his soiled ermine at the court of St. James and negotiate treaties for the payment of Confederate cotton bonds or a release of claims for the piracies of the "Alabama"?

But his judge must have something to stand upon. The courts follow precedents, and the Rhode Island case stands in the way. This question is there held to be a political one, to be decided by the political department of the government. Eventually he will insist that this decision has been made, and made in his favor. To meet this emergency, he is now and

has been for some time preparing his facts. The emancipation amendment was agreed to by twenty-three States out of the twenty-five then in the Union,—many more than the number required for its adoption; but in his proclamation he chose to omit from his count a portion of these States and add seven Confederate communities to make the number required by his construction. There is a precedent for his judge. So he submitted without authority to these same communities the amendment now under consideration, to be acted on by them in the capacity of States. There is another precedent. The Interior is prompted to issue agricultural land scrip which can only be given to States in the Union, and the Treasury and Post-Office Departments are ordered out of their line of duties to make some small recognition of these communities as States. These will make so many more precedents for his judge.

The Secretary first declares they are States, treats them as States, procures other executive departments to do likewise, and then cites his acts and declarations to enable a willing judge to decide that they are States, and thus launch into the heart of the republic a Confederate shell with fuse still burning by a single twitch of his gown.

MR. COOPER.—Mr. Speaker, I simply wish to ask the honorable gentleman from Pennsylvania whether this House did not adopt a resolution making it the duty of Mr. McPherson, its Clerk, to forward the very constitutional amendment about which he is arguing to the different States lately in rebellion before he knew the Secretary of State had forwarded it?

MR. SCOFIELD.—I do not recollect any such action of the House. But if sent to them by us, it was only to allow them an opportunity to prove their loyalty by giving it their assent. In the preamble to the bill readmitting Tennessee their assent to this amendment is recited, among other things, as evidence

of the loyalty of the government *de facto*, and as a reason for legitimatizing it and admitting it into the Union. For this purpose we, of course, desired them to have a copy, but, unlike the Secretary of State, we did not expect that the assent of these communities would fasten this amendment upon the country without the concurrence of three-fourths of the adhering States, nor that their dissent would defeat it if that concurrence was had.

The Secretary is clever in work of this kind. An English nobleman was at one time exhibiting his kennel to an American friend, and passing by many of his showiest bloods, they came upon one that seemed nearly used up. "This," said the nobleman, "is the most valuable animal in the pack, although he is old, lame, blind, and deaf." "How is that?" inquired the visitor. The nobleman explained: "His education was good, to begin with, and his wonderful sense of smell is still unimpaired. We only take him out to catch the scent and put the puppies on the track and then return him to the kennel." Do not suppose that I intend any comparison between the Secretary of State and that veteran hunter. Such a comparison would be neither dignified nor truthful, because the Englishman went on to say, "I have owned that dog for thirteen years, and, hard as he looks, he never bit the hand that fed him, nor barked on a false trail." [Laughter and applause on the floor and in the galleries, promptly checked by the Speaker.]

I would inquire of the Chair if my time has expired.

THE SPEAKER.—It has not.

MR. STEVENS (in his seat).—The Chair called you to order for doing injustice to the dog. [Renewed laughter.]

MR. SCOFIELD.—I mistook the fall of the hammer for a notice to quit. However, I have but little more to add. The charge is often made here and elsewhere, that the Republican policy of reconstruction leads to disintegration rather

than reunion. In reply to that charge I am endeavoring to show that its tendency is to harmonize and cement the Union. I follow this narrow line of argument because it has fallen to others to discuss that policy in connection with the abstract principles of republican government, justice, religion, humanity, and civilization.

When interrupted, I was going on to say that the Secretary, in his efforts to baffle the Union policy of the Republican party, will even claim that his guerilla governments have the implied sanction of Congress. For more than a year these organizations have usurped the control of public affairs in their several localities and systematically oppressed and persecuted the Union people there. For more than a year we have been inactive, if not silent, witnesses of these usurpations. We have taken no steps to suppress them, nor to provide the people with constitutional governments. The existing ones are only the Confederate governments revived,—more oppressive, malignant, and resentful, under the feeble restraints of a cowed opponent, than under the iron rule of the Confederate President himself. The despotism and barbarities of Davis were not wanton. They had a purpose—the success of the Confederate cause. The “stern statesman” allowed no further license; but under the Seward dynasty lynching and murder has become a pastime. Better by far for the Union men of the South if their governments were again placed under the restraining despotism of Jefferson Davis. At least he would not allow helpless and unoffending people to be mobbed and murdered for no Confederate or public purpose.

How much longer shall we turn a deaf ear to the cry of the oppressed? How much longer shall we stand here and see the brave men who for four years, amid obloquy, persecution, imprisonment, and torture, refused to forswear the flag, now when that flag is triumphant, in part through their sufferings, driven from their homes or shot down in the streets

like dogs? If we thus meanly desert our friends, the rebels themselves will despise us. The best way to protect our friends, to quiet the country, and to harmonize and cement the Union is to bury whatever is left of slavery and Confederate nationality in a common grave. Through the machinations of the President and Secretary of State the work has been too long delayed. This bill should pass without delay.

SPEECH

ON THE BILL ADDITIONAL AND SUPPLEMENTARY TO AN ACT
ENTITLED "AN ACT TO PROVIDE FOR THE MORE EFFICIENT
GOVERNMENT OF THE REBEL STATES," PASSED MARCH 2, 1867.

Delivered in the United States House of Representatives, January 20, 1868.

MR. SCOFIELD rose and said :

Why is it, Mr. Speaker, that all reconstruction legislation is regarded by one side of this House as unconstitutional, revolutionary, and despotic, while the other side, more numerous, not less honest, not less patriotic, not less learned in the principles of the Constitution, not less devoted to human liberty nor opposed to every form of human oppression, look upon the same legislation as constitutional, appropriate, and necessary? I impugn the motives of neither side, but I ask for a solution of this disagreement. I suppose it is because the two sides of the House look at the subject from different stand-points. One side holds that the Confederate States are now, and all the time have been, constructed and ready for admission; while the other side holds that the regular constitutional State governments were destroyed by the war, and that new ones must be originated, by somebody, to take their place before they can elect Senators and Representatives to Congress. From these stand-points the view of either side is correct. It was somewhat so during the war. One party started out with the theory that it was unconstitutional to coerce a sovereign State into submission to the general gov-

ernment, and of course from this stand-point all war measures were unconstitutional; while the other party, holding that coercion was constitutional, approved of all measures calculated to accomplish that result.

The difference between us on the question of reconstruction is mainly a question of fact. If it be true that the Confederate States have now legal and constitutional governments, all reconstruction is, as is claimed, unconstitutional, revolutionary, and despotic; but if they have no such governments, it must be admitted that reconstruction of some kind is an absolute necessity. If South Carolina, for instance, has now, or has had since 1861, a legal State government, I will thank some gentleman on the other side to tell me what it is. Is it the old government that existed prior to the war? I admit that this constitution is printed in a book and laid away in the libraries of the country, but I deny that it has any existence outside of books. If it has any other existence, where is it? It has no governor, no legislature, no judge. There is not a single gentleman within the limits of the State who professes allegiance to it, and no one inquires what it prohibits or what it commands. It is like the unsepulchred skull,—

“Sans teeth, sans eyes, sans taste, sans everything.”

I know the gentleman from Indiana [Mr. Kerr] claimed the other day that the State government might be revived. Indeed, I think he said it had been revived. But that would involve the exercise of all the power that anybody claims in the legislation which we are now enacting. To reconstruct and to revive a government that is dead means the same thing.

Is it the Confederate State government that exists in South Carolina? It did exist there, when Congress adjourned in March, 1865; but when we assembled in December, 1865, it had disappeared. Mr. Johnson and his Secretary of State

had gone down there and disposed of it. They had scuttled the hull and sent the Confederate ship, with all its treasonable machinery, to the bottom, leaving to the country nothing but the hateful memory of its crimes.

But Mr. Johnson and Mr. Seward have set up some governments in the late Confederate States, and it is said that Congress should recognize them. Why? Because they have been accepted by the people there? No, sir; they were not submitted to the people in any State except North Carolina, and in that State a majority voted against it. And in the election of delegates to the conventions, only about one-third of the white voters participated at all, and a portion of those gave their votes against the whole scheme. Of course the blacks were excluded altogether. Shall we accept them because they are republican in form? No, sir. A large portion of the people, in two of the States, at least, more than half, are excluded from all participation in them. Shall we accept them because they secure to those States only a fair proportion of Federal representation? No, sir; the represented people in South Carolina and Mississippi secure a little more than twice as many votes in this House and in the Electoral College as are given to the same number of represented people in Pennsylvania or any Northern State. Are we bound to accept them because they had a lawful origin? What article of the Constitution or what law of Congress authorizes the President and his Secretary to start in the business of making State governments or to coerce and cajole a handful of the people to co-operate with them in such an undertaking? Do you not recollect, Mr. Speaker, that in the summer of 1865, while Mr. Johnson and Mr. Seward were still reconstructing, our political opponents applied to their work the same three ugly words that they now apply to our plan, —“unconstitutional, revolutionary, and despotic”? Before they discovered how bad these governments would be, they

taught us the principles upon which they ought to be rejected. We were bound, then, by no principle of law, equality, or justice to accept these anti-republican productions of the President, and Congress rejected them by a majority of nearly three-fourths. The question was submitted to the people at the elections in the fall of 1866, and after four months' debate they endorsed the action of Congress by an emphatic vote. Inasmuch, then, as these governments were illegal in their origin (our opponents themselves being judges); inasmuch as they were never sanctioned by any considerable portion of the people, white or black, in those States; inasmuch as they secure to a disloyal population nearly double as much power in the Federal government as the same amount of loyal population in other States possess, and inasmuch as they were rejected by nearly three-fourths of Congress, and that action endorsed by the people, I come to the conclusion that they are not governments which any man is bound by law or justice to respect.

But the gentleman from New York [Mr. Brooks] thinks the decision of the people in 1866 is not conclusive. He infers from the elections of 1867 that public sentiment is changing, and that in 1868 a President and Congress will be chosen whose political opinions will coincide with his own. He is kind enough to inform us what will then be done. "The enactments of the last six years," says he, "shall be repealed." Humanity, justice, and equality shall be dethroned, and the old slave-power, unchristian, intolerant, insolent, and cruel, shall reign in their stead. Suppose your dreams were realized; suppose the people in an evil hour had put you in possession of all the departments of the government; suppose the gentlemen who during the last six years have wrought such terrible ruin in the South and brought such deep sorrow to the North and all the land were here to aid or lead your efforts; suppose the servile code restored, fugi-

tive slave law and all; suppose the demolished slave prisons rebuilt, the rusty manacles reburnished, and the overseers engaged, how will the gentleman secure his victims? His legislative work will then be accomplished; his services will no longer be needed here. Imagine the gentleman then leaving his place and going home to ask his Christian constituents, learned through his instructions in the mysteries and measurement of shins and heels, to arm themselves with lassos and handcuffs and follow him in one grand hunt for emancipated bondsmen. The gentleman and his party, in great patience and meekness, have long labored for the disloyal masters; but when this heavy task shall be imposed upon them it will be one hair too much even for their uncomplaining backs. This utterance of unattainable hopes brought to the gentleman's seat many admiring friends. I could not hear the congratulations, but I can well imagine they were much like Falstaff's address to his prince: "Thou wilt have no back seats for traitors and no free niggers in America when thou art king; wilt thou, Hal?"

Having shown that there are not now, and have not been since the close of the war, any legal constitutional governments in these States, I proceed to inquire who should originate new ones. If I correctly understand gentlemen on the other side, they claim that new governments ought to originate with the people of the States. Very well, sir; how long shall we wait for these people to move? It is more than two years since the war closed, and no unprompted movement in that direction has been made by them to this hour. Oh, no; I mistake. They did elect a convention in Louisiana, and it will be recollected that there was great joy among the anti-progressives and back-going politicians when it was known that the delegates were mobbed and murdered, the convention dispersed, and the popular movement crushed out. Suppose the people of South Carolina, for instance, would under-

take to construct a government. The disloyal people might originate one, the blacks another, and the loyal white men another. Congress must determine at last which is the real government of the State, and this determination involves the exercise of the same power necessary to the passage of our reconstruction acts. But, as I said before, the people have not moved in this matter at all. There is, therefore, no alternative. Congress must call upon and authorize the people to reconstruct their governments or leave them either under military rule or rebel anarchy forever. On the 2d of March last Congress passed an act for this purpose. And what was it? Simply this: it authorized a major-general in the army to make a list of all the legal voters in a particular State, and call upon them to assemble on a day fixed and elect delegates of their own free choice to a convention which should frame and submit to them a form of State government. That, sir, was our reconstruction, and that was all of it. That is what is now pronounced unconstitutional, revolutionary, and despotic. I forgot, sir; that is not quite all. It authorized the officer, in the absence of governments, and in the midst of vindictive and lawless men, to preserve the peace until the new governments should come in power. Our opponents have found a few things to be mad at even in this simple formula. They charge that we omitted from the list of voters a large number of persons, simply because they waged a long and bloody war against a government not only the best, but most lenient and munificent in the world. I deny it. Not one man was left off the list for this cause alone; and only a small number was left off for any cause. Those who committed treason, and in order to commit this crime first committed perjury, were left off, and no others. The number was comparatively small. The number of white voters now registered under this law is only seventy-six thousand less than all the votes cast in these

States in 1860, and is just about double the number of voters that participated in the Johnson-Seward elections of 1865. When it is remembered that large numbers of those who voted in these States in 1860 have disappeared in the war, and thousands more have moved to Northern and Western States, it will appear that the number of perjured traitors omitted from the list is quite too small to justify such deep grief among their Northern friends. Again, it is alleged that we impose this plan upon the Southern people against their will. Not at all, sir. The law provides that the electors may, on the same day they vote for delegates, vote also for or against a convention. All who dislike this plan can vote against it. Then, sir, unless it had a majority of all the voters—not only a majority of all the votes cast, but a majority of all the legal voters in the State, counting those who from any cause omit to vote as against it—the whole plan falls to the ground. Again, when a constitution is framed it must be submitted to the people, and if a majority vote against it that is the end of it. What despotism is there in that?

But you have put the names of colored men upon your list of voters; why is that? Mr. Speaker, there is a large number of white voters in those States who are opposed to the continuance of the Federal Union. They have not only so said, but leagued themselves together to destroy it. To be sure, the armed power of the Confederacy has been overthrown, but its memory and purpose are still enshrined in the hearts of its followers. They put their money in that cause and now hold its bonds and notes. Their affections, going out to their fallen kindred, are in it. Their honor is linked with it, and as they crave a good name in the future, they must forever defend it. The Confederacy is gone, but the cause survives and comes back to struggle through the ballot-box for a triumph not achieved in the field. They will vote no pension to the crippled soldier nor honors to the gallant captain. The

colored people in the States, on the contrary, are interested in the preservation of the republic. They are grateful to it for liberty already conferred, and they look to it for future protection. We allowed them to vote because we saw in their votes justice to the soldier and safety to the Union. They are not numerous enough to out-vote the disunionists, to be sure ; but they are numerous enough to counteract in some degree their wicked purpose. It so happened, in the Providence of God, that in seeking the perpetuity and safety of the republic and the liberties vouchsafed to us all under it, we could do some little justice to a long-wronged but hard-working and meritorious class of our fellow-beings, and approximate more closely the great principle which underlies our form of government, to wit, the equality of the human race. We availed ourselves of this opportunity more, I fear, from necessity than from a sense of justice. This is "what is called unconstitutional, revolutionary, and despotic."

A bill of a few lines, supplementary to the legislation of March last, is now made the occasion to renew this coarse and undeserved denunciation. What is the bill ? As long ago as last June the President discovered that the act of March was liable to be misconstrued or differently construed in the different districts of the South, and that no person was authorized to correct or unify these various constructions. We concur with the President. We propose to clothe an officer of the army, superior in rank to any now charged with the execution of these laws, to supervise the whole, to detail officers and instruct them in their duties. It is in accordance with the President's suggestion. What possible objection can there be to that ? None, I suppose ; at least I have heard none. But it is claimed that we have made a mistake in selecting the officer who is to perform these duties. We have devolved them upon the general of the army ; whereas, it is said that the commander-in-chief would have been the fitter officer.

To a plain man it would seem as if the gentlemen were trifling. The rules of the army authorize the captain to supervise his company and give orders to his inferior officers, the colonel his regiment, the brigadier his brigade, but the general of the army commands the whole. We impose duties and liabilities upon each grade of officers, but nobody ever before supposed that it violated the Constitution of the United States.

The gentleman from Connecticut [Mr. Hubbard] says that the general of the army might order an inferior officer to one duty and the President order him to another at the same time. Does not that often occur? Has it not always occurred? The inferior must obey the commander-in-chief, but the commander-in-chief is answerable to his constitutional judges if he gives an order in violation of law. But there is another provision. It re-declares that the Johnson-Seward governments are void. I have already shown that these governments are void. Why should we not declare it by act of Congress? These are the simple and proper provisions which are so fiercely denounced as "unconstitutional, revolutionary, and despotic." From the other side of the House we do not hear even the gentlest admonition to the men who tore down and destroyed the old constitutional fabrics in these States; but every effort to rebuild them and restore the States to their old places in the Union is followed here with this unchanging cry, "Unconstitutional, revolutionary, and despotic!" and then, without apparent shame, they charge us with interposing the obstacles to the readmission of these States.

SPEECH

ON THE PURPOSE OF THE REPUBLICAN PARTY.

Delivered in the House of Representatives, July 14, 1868.

MR. CHAIRMAN,—Which way are we moving? Are we, as some persons apprehend and charge, drifting under party excitement and confusion, through misrule and usurpation, towards despotic government; or are we, though in the midst of the storm, but in spite of it, still holding a compass-line inside the words and spirit of the Constitution towards a more perfect development of republican government?

What line should we follow? What is the fundamental theory of our government? The great men who laid its foundations held that “all men are created equal.” They proclaimed this sentiment in the face of a world heavily oppressed with inequality, rank, and privilege. They spoke and fought for it. Their eloquence and valor established it upon this continent. And that, I understand, is, or ought to be, the recognized theory of our government. It is a simple formula, a few words, a single principle, one idea; but upon it our fathers raised the fabric of the new government. It is that one idea which makes the government great, gradually rising above all other powers on the face of the earth; even in its infancy giving liberty and protection to forty million people at home, and reaching out a helping hand to the oppressed and humble all over the world.

I know it is said that the founders of the republic did not

really mean that all men are created equal, because they did not at first and at once confer equal rights upon all. It was impossible. Existing institutions, vested interests, erroneous convictions, and deep prejudices stood in the way. They went as far as they could then, as far as the public sentiment of their day would permit, and then holding to and advocating equal rights for all men as the correct Republican theory, awaited the fit times and opportunities and the proper development of the public sentiment to make that theory more and more practical. Upon this theory they founded a new political party, which they called the "Republican party." This word indicated, as near as any one word in the language could, the commonality of all governmental rights. They added to this name the adjective "progressive," to indicate that they did not mean to go backward nor to stand still, but move forward on this theory of human rights. It was not many years before this "progressive Republican party" came to control the country.

See what was done. The slave-trade was interdicted and the trader declared a pirate. In many of the States slavery was abolished, and by an irrevocable ordinance all the territory then held made free forever. The franchise was enlarged, and, except in the single State of New York, without distinction of race. Legislation could not make all men equal in talents; but it could give all an equal opportunity to cultivate whatever God had been pleased to bestow, and therefore free schools were established. It could not make all men equal in wealth, but it could give all an equal chance to acquire it; and so imprisonment for debt was abolished, exemptions from execution allowed, and the laws of inheritance equalized. These great advances towards the equalization of governmental advantages were not secured without resistance. There were conservatives in those days as well as in ours. They saw ruin in every progressive step. The prohibition of

the slave-trade would deprive the poor African heathen of a chance to hear the gospel and save his soul. The dedication of the Territories to freedom was sectional and unconstitutional. Non-imprisonment for debt and exemption from execution would both defraud the creditor and destroy the credit of the debtor. Free schools would burden the thrifty with taxes to educate the children of idlers. The enlargement of the franchise would be its degradation. But in spite of conservatism and its evil prophecy, the country improved, and, what is far more important, mankind improved. But conservatism did not surrender; it never does surrender. The "progressive Republican party" becoming in time divided into several parties upon temporary questions, and losing its distinctive name and organization, conservatism allied itself with the slave power, and obtained for the time the mastery over the several divisions. Immediately the brakes are whistled down; all progress stops. It is now found out that the great declaration of our fathers for equal political rights was "a glittering generality," "a rhetorical flourish," "an unmeaning abstraction." It is now found out that political distinctions are necessary; that political equality is a degrading level; that the law should assign duties to one class and privileges to another. The revival of this old doctrine was not received without objection among the disbanded progressives. Small dissenting parties began to spring up. The abolitionists, the equal rights party, the free Democracy, barn-burners, free-soilers, Benton Demoerats, and others which escape my memory as I speak, from time to time and in various States attracted the attention of the public.

They were numerous enough to exhibit the deep discontent of thinking, progressive men, but too feeble to resist the retrograde movement inaugurated by the allied powers,—conservatism and slavery. In 1856 representatives of these various organizations, or rather of the sentiments indicated by them,

met in Philadelphia, and then and there, in the old State House, in which the theory of political equality had been first proclaimed, formed a national party, pledged to take up the principles and carry forward the work of the fathers. They took the name which had been honored by the advocates of equal rights in the better days of the republic. The friends of freedom and equality, all over the country, began to gather into this new organization, while the advocates of privilege, the conservatives, the anti-progressives, and the backgoers squatted at the feet of the slave power and assumed the misleading name of Democracy. These Philadelphia conventionists assumed the name and reaffirmed the doctrine of the first Republican party, to wit: that "all men are created equal," but like that party they did not expect to secure to all men their equal rights at once. Centuries of vested wrongs still stood in the way. Reasserting the principles, holding fast to the liberties already acquired, they only proposed to move forward slowly, securing to the unprivileged classes, act by act and measure by measure, as time and opportunity should permit, greater influence and advantage in the government, until, in the course of time, in the distant future, the world should behold a great nation, in which every citizen, without exception or distinction, had secured to him his equal right to life, liberty, and the pursuit of happiness,—a nation with no ignorant, no poor, no enslaved, no degraded class.

It is now twelve years since this party was organized, and I submit that the history of the country proves that it has held steadily to its declared purpose. To give every child an equal chance of education, it has advocated and legislated, both in the States and Territories and in the District of Columbia, in favor of free schools. To give every man an equal chance to acquire property, the old Republican party, as I said before, abolished imprisonment for debt, and made the necessities of life exempt from execution. Following in these footsteps, the

new Republican party, in the first year of its national triumph, secured to every landless man a one-hundred-and-sixty-acre farm without money and without price; and in the further practice of the same principle only last year it released the honest but broken debtor from the further pursuit of unrelenting credit. By an amendment to the Constitution, slavery in sixteen States, in the District of Columbia, and in all the vast Territories of the country has been abolished, and its restoration made impossible forever. We have many bright pages in our short history,—I trust we are to have many more,—but the page that records this brief amendment will be the brightest of them all. The franchise which lifts up the humble, protects the weak, educates the ignorant, and endows the poor, the synonyme of liberty and self-respect, has from time to time been greatly enlarged. Under Republican legislation the volunteer soldier retains his privilege and sends home his vote. One year's service to the country endows the alien with the ballot. In twelve States, in all the Territories, and in the District of Columbia the franchise has been extended to all and without distinction of race, and the whole tendency of Republican debate and legislation has been towards an enlargement of the franchise, without restriction, except for crime.

All these measures look in one direction, and lead only to one result. They enlarge the rights, privileges, and opportunities of all the people, and subordinate the laws to the popular will. That is not despotism, but freedom. These measures may all be wrong, but if so, it is because the theory of popular government is wrong. I have a right, therefore, to conclude that the charge of despotic tendency, preferred against the Republican party, is entirely without foundation.

It may be said that two of these measures—namely, the emancipation of the slaves in all the States, and their enfranchisement in the eleven rebel States—have been too much hurried. The Republican party did not in the beginning

intend to move so rapidly. Emancipation, which would withdraw from the enemy and add to us four million population, became a military necessity. The great purpose of the rebellion was to withdraw slavery from the wasting influence of the nineteenth century; to build it around with a new nationality, and wall out the light and warmth of a Christian age. That motive could only be destroyed by the destruction of slavery itself, and we struck it a hurried but fatal blow. Premature enfranchisement, if premature it is, has been forced upon us for a similar reason. The returning rebels demanded two sets of Congressmen, all their own, and thirty-three more for the blacks, both sets to be elected exclusively by themselves. Under the amended Constitution the claim was legal. But such double power would enable them to vote down your soldiers' pensions, repudiate your plighted honor, force upon you the payment for emancipated slaves, and finally to master and redivide the Union. To break the strength of this disunion element, we put the ballot in the hands of the loyal black man. Our own safety and the safety of the Union demanded it, but it is in accordance with the theory of our government, and if a little premature, time will soon overtake it.

But you have passed laws restraining the power of the President! Where is the despotism of that? A despotic government is a one-man government,—all executive. How can restraints upon that one-man power be also despotic? They might be considered too Republican, too Democratic, but to call them despotic involves a contradiction. What are the facts? During the war the President was clothed with extraordinary powers. The Democrats complained. They apprehended that these powers might be used to destroy the liberties of the people. At length the war was over, Mr. Johnson had come to be President, but the extraordinary powers were still attached to the executive office. They were no longer needed, but were as dangerous as ever. Mr. John-

son himself said, in his celebrated East Room speech, that he possessed power enough to make himself dictator. A great many people thought he intended to try it. Then Congress began to do what the Democrats claimed they should have done long before,—confine the executive power to its old peace limits. Then they complain again. To confer these powers was despotic; to recall them is despotic. One or the other complaint is unfounded. We could not be wrong each time. We were really right each time. It was proper that the President should have large powers to suppress the rebellion, and that these powers should be surrendered after the necessity was passed.

But your mode of reconstructing the South is despotic! Not so much so as yours, provided you adopt the President's plan; and you have adopted it. The President put the people of the South under military rule; Congress did not. We did not order the army there. We did not keep it there. We took no action till March 3, 1867. Up to that time the President had his own way, and all this time he governed the South by the army. Till then his despotic will was law. He got up conventions. He selected the voters. He shaped the constitutions and declared them adopted. He allowed no popular vote. That was his plan. It was your plan. This was real despotism,—unrestrained one-man military power. Our plan was only a restraint upon yours. We did not order the army away, to be sure; but we put it under the control of law. We did not prohibit the assembling of conventions, but released them from the dictation of the President. We did not forbid constitutions to be framed, but required their submission to the people. Your plan was to originate State governments in accordance with the President's will,—ours in accordance with established law.

But you are making encroachments upon the Supreme Court! A bill which requires the concurrence of two-thirds

of the judges to declare a statute of the United States void was proposed, but never became a law. Suppose it had,—what despotism is there in that? Who compose the Supreme Court? Usually nine judges. They are appointed by the President, and hold their offices for life. The people can change their Representatives once in two years, their President once in four, and their Senators once in six; but the judges of this court are always beyond their reach. This is the only anti-republican, aristocratic, despotic feature in our government. While these judges are entirely above the influence of the people, they are not above the common passions and infirmities of mankind. They are still politicians, as much so as Senators and Representatives, though not progressive. They hold to whatever was uppermost when they were lifted out of politics to the bench. You can tell the politics of a judge by the date of his commission, and the date of his commission by his politics. They crystallize in the sentiments of their day and are changeless ever after. Some of them cannot even now realize that there has been a great war; and are trying to decide that a constable and grand jury were equal to the “late political disorder.” Some cannot realize that the slave power has been legally dethroned; and are trying to retain in the legislation of the country at least a few memorial shreds of the odious institution. I have the best authority for saying that a majority of these judges have made up their minds that the “legal-tender” law is unconstitutional, and will so decide in the cases now pending in their court. I mention this fact, not for present criticism, but as an illustration of the vast power of these nine men over the fortunes of the people. Is a law that requires the agreement of one or two more judges before they make a decision that will ruin all the debtors of the country, by requiring them to pay their debts in gold, despotic? Every debtor in the country who now thinks such a law would be

despotic will have reason to change his mind before he is two years older.

Again, it is said that our legislation tends to centralization of power in the general government, and that centralization tends to despotism. I deny it. We have endeavored to preserve the union of the States, because individual liberty can be best secured in a single republic. The republic was divided before we came to power. On the 4th of March, 1861, Mr. Buchanan surrendered to Mr. Lincoln the Northern half, having surrendered the Southern half to Jefferson Davis nearly a month before. We found the Union dismembered, and we have restored it. We found it with slavery, the chief incentive to disunion, and we broke the chains of four million bondsmen. We found an hundred kinds of money that would not pass as many miles from home, and we have reduced them to one uniform system of equal value all over the land. We found the Pacific States separated from the East by a vast unoccupied country and growing up into isolated nationality, and we have stretched out great lines of railway to secure their commerce and hold their interests and affections in the Union. We found commerce between the States everywhere burdened and obstructed by local and illiberal State legislation, and we have undertaken some measures of relief. These enterprises, undertaken to preserve the harmony of the States and secure the growth and development of the whole country, are mistaken, by small politicians, for acts of centralization.

In addition to carrying on a four-year war for the suppression of the rebellion, all these beneficent and permanent reforms have been secured during the short life of the Republican party. Take as many years of Democratic administration prior to that, and tell me what record you have left to awaken the gratitude or pride of the people. There stands the gallows upon which they immolated old John Brown, a

brave but erring enthusiast of human freedom ; but its victim is more honored to-day than its cruel architects. Just beyond is the Dred Scott decision, rendered in violation of precedent, law, and Constitution, for the brutalization of four million Christian people. It has no friends now. Further on, you behold the Missouri compromise,—our fathers' bond of Union,—the peace-offering of its day, repudiated, broken, and trampled under foot that the inhumanity of the hour might be without restraint. Standing around it, as fit witnesses of the wrong, are the "border ruffian war," the "Lecompton villany," and the small tyrannies of Pierce and Buchanan. Still further down this dreary history stands the "fugitive slave law," to which every Democratic knee was wont to bow. Its manacles are broken now. Its bloodhounds no longer bay upon the track of its victims. No garlands crown its ugly brow. It has no worshippers, no admirers, no defenders, no apologists even. All have sneaked away. These are the monuments of three administrations. During all these weary years nothing was done by the predominant party to elevate and honor labor, to educate the poor, to lift up the fallen, to endow the landless, or to soften the cruelties of bondage. You cannot point to a single act that anybody will celebrate, that anybody will honor, that anybody will remember even except with regret or shame.

The doctrine of political equality forms the great "divide" between parties now, as heretofore. The conservative or anti-progressive element, always beaten, except when allied with the slave-power, takes heart from the complication of public affairs and enters the arena with new disguises. The remnant of the slave aristocracy rallies to its standard. The foiled secessionists extend their crimson hands, both to aid and to be aided. A great church, believing that the mass of mankind should be *guided* rather than *educated*, leads its vast flock, where otherwise we would least expect it, into the support of

anti-republican distinctions. Many submit to the theory which degrades them, because it degrades others more than themselves. And many mistake license to the vicious for liberty to mankind. It is the old combination, so often beaten. There may be a few recruits; some few who have attained senatorial and judicial honors by the advocacy of equal rights, through the natural selfishness of the human heart, have come to believe in rank, since they have reached the highest. A few descendants of eminent men, unable by personal merit to command the position of their fathers, reject their fathers' doctrine. John Quincy Adams was a progressive Republican, and his grandson is a conservative. The descendant claims by law what the ancestor acquired by desert. To these add a few natural grumblers, and you have the present Democratic-conservative-sorehead-rebel party.

Such elements can be held together in a party of opposition, because a minority party need have no affirmative policy. They bring forward no measures of their own. It is their business to hold back, to oppose, to criticise, to denounce, to threaten, not to originate, to propose, to decide, or to act. To avoid present accountability for the past they even condemn their own history and acquiesce in the defeat of their own measures. They were opposed to the "Lecompton fraud" and "border ruffian war"—after Kansas became a free State. They approved the homestead law—after it was enacted. They do not worship the fugitive-slave law—after it is repealed. They are in favor of the war—after it is over. They are opposed to slavery—after it is abolished. They will doubtless be opposed to repudiation—after the debt is paid, and in favor of universal suffrage—after everybody can vote. But they attack whatever is proposed by others, whatever is uppermost for the time being. During the last seven years they have done nothing but scold. Scolding is their vocation; their sovereign remedy for all public ills.

They scolded the Union party when Buchanan divided the republic, and scolded harder when we attempted to restore it. If the army lacked men they would scold. If a draft was ordered to fill it they would scold. If the Treasury was empty they would scold. If taxes were levied they would scold. If a loan was attempted they would scold. If a battle was lost they would scold about mismanagement. If it was won about subjugating the South. They scolded terribly when three hundred dollars would commute the draft, and worse when the law was repealed. They scolded when greenbacks were issued, and scolded again when the issue was stopped. They scold when the rebel States are kept out, and scold when they are brought in.

While this party remains in the minority, scolding may answer their purpose. It may even enlarge their numbers by the addition of malcontents and impracticable men. But if they carry the elections next fall, they must become actors instead of critics. What will they then do? If they have been honest in their opposition to Republican measures, they must attempt to undo them all. They were opposed to coercion; they must, therefore, restore the Confederacy and treat for terms of separation. They were opposed to emancipation; they must re-establish slavery. They were opposed to the amendment of the Constitution, which forbids payment for emancipated slaves and the assumption of rebel debts; they must, therefore, repeal it. They were opposed to the repeal of the fugitive-slave law; they must, therefore, re-enact it. They opposed the readmission of the eight reconstructed rebel States; they must therefore turn them out. Their candidate for Vice-President says they will, and that by revolution if they cannot by law. They were opposed to the enfranchisement of the colored people in the rebel States; they must therefore disfranchise them and leave the rebel power without check or division. They opposed the enfranchisement of the

citizen soldiers, and they must be disfranchised also. It may be said they cannot accomplish all this. That is true, but they can try it. They must try it, because if they do not, it is a confession that they have all along been wrong, and we have all along been right, which is a confession that they ought to be defeated at the polls. They carried the Legislature of Ohio last fall, and immediately began the work of demolition. Their first attack was on the franchise. They at once withdrew from the soldier, the student, and the quadroon, whom they classed and proscribed together, the right to vote. Ohio had given her consent to the constitutional amendment, which makes the loyal States equal in representation in the Federal government to the rebel States, and prohibits payment for slaves and the assumption of rebel debts, but this Legislature revoked it. Suppose they fail in their efforts, how is the country to be benefited by a four years' struggle over it? If they succeed, the old slave aristocracy becomes again the masters of the country. The defeated rebels become the political victors. Hampton and Forrest and Preston will be the honored soldiers at Washington, as they were in the New York convention, and Grant and Sherman and Sheridan will be discharged on parole. It is said they will not carry matters so far; the Northern wing of the party will moderate and restrain the insolence of the rebel wing. So we were told when Pierce and Buchanan were candidates, but after the election we soon found that the Southern Democrats controlled the Northern. Whether the Northern Democrats design it or not, it will be so again.

But it is said this party can get us out of all financial trouble. The Southern wing got us into it, but how can they get us out? Will they pay it? They ought to do so, but they will not, and I suppose they cannot. They pay no taxes. They say they have nothing to pay with. They could do nothing, then, but tax us and dispose of our money. Why should they

be selected for that office? When have they shown any financial ability superior to Northern men? They run the Confederacy four years and two months, and so far from developing financial ability, they developed a great lack of it. Their only schemes were forced loans, to be paid out of taxes on the loans themselves. Their currency became so worthless that they were forced to collect taxes in kind. They developed great military ability, I concede; but as financiers, they were total failures. It was always so. Before the war they borrowed from the North the money to improve their estates, build their railroads and public works, and it has been mostly paid in confiscation and bankruptcy. They might double your debt by adding theirs to it, but how would they, or could they, discharge it except by repudiation?

What could the Northern wing of the party do? They have had the administration and run the Treasury Department for the last three years. The whiskey tax that ought to yield ninety million dollars per year has, under their management, yielded less than fourteen million dollars. They are in favor of free trade, so they would get nothing from customs. The internal taxes are now nearly all collected from whiskey, tobacco, banks, and incomes. Could they find any better sources of revenue? Would they take the tax from whiskey and put it on bread? From tobacco and put it on coffee? From incomes and put it on labor? Or would they abolish taxes altogether? How, then, could they relieve us of debt? No way, sir, except by following their Southern wing into repudiation. That would be an expensive payment. It implies disgrace abroad, and distress, revolution, and anarchy at home. I have always thought the liberties of this country could not survive a repudiation of its debt. In my judgment it would produce a convulsion, which would end in the establishment of a less popular form of government.

But it is said again, they could tax the bonds. Very well.

But why make that a party question any more than taxing whiskey or incomes? If all the bonds were taxed, including those held abroad, at the rate proposed,—that is, ten per cent. upon the interest in addition to the five per cent. already collected,—we could only realize from this source twelve million dollars. Compared with our other sources of revenue, this is a small sum. Why surrender the government, with all its financial, military, and political interests, to those who but three years ago were in arms to destroy it altogether, in order to secure so small a modification of the tax law? If the people think it best, upon full consideration, to levy this tax, can they not so instruct their Representatives in the several districts? If General Grant is elected so as to give confidence in the stability of the government and the continued peace of the country, we can exchange our bonds for a long bond, bearing from one to two per cent. less interest. This would save to the country from twenty to thirty million dollars per year instead of twelve million. We would not only realize in this way more than as much again money, but avoid the charge of incipient repudiation. Why has that not been done already?

If you can tell me why God, in his providence, has seen fit to afflict this country with such a President as Andrew Johnson, I can answer the question. For three years he has been sitting there, an obstruction to all proper legislation and administration. If we propose a new bond, with low interest, he calls before him the correspondent of the *London Times*, and fills him with apprehensions of repudiation, to be scattered all over Europe. If we put a tax on whiskey, which, if honestly collected, would relieve us of all other internal taxes, he is careful to see that it never goes to the Treasury. He counsels with the bitterest opponents of the war, and plots with the bitterest rebels. Their common purpose seems to be to keep the country distracted; to defeat the reconstruction of the

South ; to advise, prompt, and aid resistance ; to encourage mobs and murderers to fulfil their prophetic war of races ; to keep the finances unsettled and business men in doubt ; to worry the men who trusted the government when they would not, and make them unpopular with the people ; to magnify the burdens of taxation, and thus confuse the judgment and tire the patience of the people. The more distress, real or imaginary, they can produce in the country, the greater will be their chances of political success.

They make the trouble, and hold the Republicans responsible for it. With Johnson controlling the Treasury and all the Executive Departments we can do nothing. He can, and will, and does thwart all our efforts. If the government now goes into the hands of the Southern rebels with only such restraints as their Northern allies choose to impose, capitalists will have no confidence in the maintenance of any new contract, and will make none.

But it is said, again, that this party would pay off the bonds in greenbacks at once, and have done with interest. At present we have no surplus of greenbacks to pay with, and unless taxation is very much increased we will not have for several years to come. Whether the bonds shall be paid in greenbacks or gold is a question for the future. It is not a question for this year or next. It may never be a question. Before we will be able to pay at all, or can be called on to pay, gold and greenbacks may and probably will be of equal value. It may become a troublesome question at some future day ; but why anticipate the trouble ? Do not the times furnish trouble enough without this ?

Yes ; but the Democrats would print greenbacks enough to pay off the bonds. That would give us two billion five hundred million dollars of currency at least ; if the bank issue was still outstanding, two billion eight hundred million dollars. During the war the Democrats declared that in time it

would take a cord of greenbacks to pay for a cord of wood. They would thus fulfil their own prophecy. Such a course would wipe out the bonds, but the public creditors would not be the only sufferers. It would discharge all private debts as well. But, like the Confederate currency, it would have little value except to pay debts, and after that nobody would take it. A debtor might sell a horse for enough to pay for a farm he purchased on credit the year before, but there the traffic would end; all trade would stop; all manufactures would stop; the poor would have no employment, and property command no price. But, after all, it might not effect a discharge of debts either public or private. Suppose the debtors should refuse to take it, and the Supreme Court should decide the law unconstitutional and void. That would bring everybody to specie payments at once. It is well understood that this court, as now organized, will ultimately render such a decision on the present legal-tender law. They only wait a favorable time. Such an avalanche of irredeemable paper might force the decision at once.

As proof of the financial ability of this party, we are reminded that in 1861 they left the country free from debt, and that under our administration a debt of two billion five hundred million dollars has been created. The statement is not quite true. They left the country in debt nearly one hundred million dollars in time of peace, and its credit so low that Howell Cobb, the Secretary of the Treasury, informed Congress in December, 1860, that he was unable, after repeated efforts, to borrow the little sum of ten million dollars. It is true, we have a large debt now; but who caused it? It will be admitted that the debt was created to suppress the rebellion, and the Southern wing of the party which now complains of it got up the rebellion to divide the Union. It ought also to be admitted, but I suppose will not be, that the rebellion was prompted and encouraged by a portion of the Northern wing.

Upon some portion of the Democratic party, as at present organized, lies the whole responsibility of this rebellion. Is it fair, then, to hold us responsible for a debt caused by the misconduct of our opponents?

In 1863 there was a great anti-war riot in New York. To suppress it and repair damages cost the city a large sum of money. Suppose these rioters and their sympathetic friends, the next year, had formed a party and nominated a ticket to contest with the old officials the possession of the city government, would they have had the cheek to urge, as a reason for the change, that the debt of the city had been enlarged the year before? During the war the beautiful town of Chambersburg, in the State of Pennsylvania, was burned by the rebels. A large debt was created to rebuild it. Suppose these incendiaries had settled in Chambersburg after the war was over and had finally been placed on the Democratic ticket for local officers, would it have been altogether modest in them to urge the people to select them because the old officers had created this debt? If a discharged cashier, turning thief and robbing your bank, and thus entailing upon it a heavy debt, should, upon his return from the penitentiary, ask to be restored to his old place, and give as a reason that your bank was out of debt when he was discharged, and a large debt had been created by his successor, would you be likely to restore him? And yet the impudence of the New York rioters, the Chambersburg incendiaries, and the discharged cashier would not be greater than that of the late rebels and their Northern allies, who ask to be restored to power because their own misconduct has forced the contraction of a large debt.

The talk about relieving the country of its obligations means repudiation, or it is a deception. They cannot levy the taxes more judiciously, nor collect and apply them more honestly than anybody else. Their three years' trial under Mr. Johnson has not developed any superior character in this

direction. They certainly could not negotiate for a low rate of interest to advantage. Capitalists, knowing the debt will always be hateful to a large portion of their party, because it must ever remind them of their folly and humiliation, would fear to trust them.

This portion of their party, to frighten the people into total or partial repudiation, constantly magnify the burden, and decry the ability of the country to discharge it. Why, Mr. Chairman, the amount of our property to-day is twenty-two billion dollars. Every twelve years it doubles. Our population is forty millions, and doubles every twenty-five years. The increase in the wealth of the country, as shown by an able and accurate mathematician, would pay the whole debt in two years. In twenty-five years from this time our population will be eighty millions, and our property worth eighty-six billion four hundred and fourteen million dollars. To our increased wealth and population the whole debt would be no more than one-fourth of it is to us. If, then, they mean repudiation, we do not need it and cannot afford it. If in any other respect they claim financial superiority, it is unfounded presumption.

Aside from this question of finance, this party promise nothing except to fight over and fight backward the political battles of the last twelve years. Is the country prepared to embark in such a struggle? Do we want an administration which will not only resist all further progress, as Mr. Johnson has done, but undertake to work the country back, act by act, and measure by measure, to the days of Pierce and Buchanan? Is any human being to be benefited by it? Would it not be better to choose an administration which will not only hold fast to the liberty and privileges already secured to the people, but, as time and opportunity permit, move slowly forward on the great Republican doctrine of equal political rights?

SPEECH

ON A BILL FOR THE RESUMPTION OF SPECIE PAYMENTS.

Delivered in the House of Representatives, January 27, 1869.

MR. SPEAKER,—What shall we have for money in this country? I do not mean just now, while we are in a pinch, but in the future, when we become masters of the financial situation. Shall it be exclusively metallic? I suppose not. There were at one time a few advocates of hard money in the country, but I know of none now. If not metallic, it must be paper? Then what kind of paper? Shall we revive State banking? I hope not. Its complexity, panics, failures, frauds, and counterfeits condemn it, and the Constitution, properly construed, forbids it. We are left, then, to a choice between United States notes, something like our greenbacks, and bank-notes, something like our national currency. Before we choose between them, each system should be amended, or considered as amended, so as to be what we would want it to be in case of its exclusive adoption.

First. Banking should be free to all. Each bank should undertake to redeem its notes in coin upon demand, and give security for the undertaking. This would probably be a sufficient limitation as to the amount of currency.

Second. A plan should be contrived by which the government would save as much, or nearly as much, less the expense, as if the notes were issued by the Treasury, instead of the banks. It is said this is the case now. Perhaps it is; but it

should be put in the form of reduced interest upon the bonds instead of taxes, so that we can all see exactly what is saved. Otherwise the wants of trade may be overlooked in the straits of the Treasury. With these, and perhaps other modifications of the national banking system, let us see which of the two kinds of paper is most desirable. The Treasury could have no choice, because the government would save or make as much on the one kind of paper as on the other. The bill-holder could have no choice, because his security in each case would be exactly the same, except that in the one case the responsibility of the corporation would be added to that of the government,—an addition, perhaps, too trifling for consideration. Which, then, is best for trade? Trade needs stability in prices. To make prices stable, the amount of currency and the amount of trade should always bear the same relation to each other. If the amount of trade varies during the year, or from year to year, the amount of currency should vary also. Otherwise prices would go up and down from mere excess or lack of currency. This want of trade has never been perfectly met by any system. It probably never will be. But the currency furnished by a free-banking system will supply it more nearly than any other. It is capable of expanding as trade expands, and contracting as trade contracts. Not so with a Treasury currency; that must expand and contract as laws are made or repealed by Congress. Congress cannot always guess what trade wants, nor be willing to respond to those wants, if it could. The necessities of the Treasury, the preparation for an election, or a change of the administration would generally dictate the increase or decrease of currency. Legislation, thus controlled by political reasons, must necessarily be arbitrary and unseasonable. No business man would feel safe while Congress was in session. A line or two of law might wipe out half his securities or double his liabilities. Free banking, on the other hand, is

self-regulating, or rather it is regulated by the demands of business. Its notes will be plenty when trade is brisk, and scarce when trade is dull, and thus prices will be kept stable.

It has been supposed that this flexibility could be imparted to the Treasury currency by allowing the notes to be converted into bonds and the bonds into notes at the pleasure of the holder. The effect of this scheme would be very different, I apprehend, from its purpose. The notes and bonds, being convertible into each other, would always be of exactly the same value. Except in the convenience of handling, one would be as good a medium of exchange as the other. The result would be that nearly all the notes would be converted into bonds for the sake of the interest, and the bonds used in all large transactions in place of the notes. Substantially, the bonds would all become currency. It would make a great inflation of currency, and the government would be paying interest on nearly the whole of it.

The gentleman from Massachusetts [Mr. Butler] has given us the details of a plan based upon this principle. It provides that the holder of any portion of the bonds bearing six per cent. interest in coin may exchange the same for currency at the rate of ninety per cent. of its par value, and while the bonds are so deposited and exchanged, receive yearly interest thereon at the rate of two and thirty-five-hundredths per cent. A man having one thousand dollars could purchase with it a bond of the same amount, and at once deposit it and get back nine hundred dollars of his money. He would thus be out of pocket only one hundred dollars, but he would annually draw from the Treasury, as interest on his bond, at the rate of two and thirty-five-hundredths per cent., twenty-three dollars and fifty cents.

The gentleman says there are one billion seven hundred and fifty million dollars of these convertible bonds. This large interest would cause them all to be converted, and we would

thus have one billion five hundred and seventy-five million dollars of currency, beside the three hundred and fifty million dollars which the gentleman proposes to issue in advance in the place of greenbacks. If the whole one billion seven hundred and fifty million dollars were deposited, and ninety per cent. of their par value returned in currency, the bond-holders would be out of pocket one hundred and seventy-five million dollars, and would receive from the government as interest forty-one million one hundred and twenty-five thousand dollars. The interest upon their money actually invested would be twenty-three and fifty-hundredths per cent. The bond-holders would make a good deal of money by the operation, and the government would save some interest, but the country would be afflicted with one billion nine hundred and twenty-five million dollars of irredeemable paper. If you thus make it an object to convert the bonds, all will be converted, and we will have a destructive flood of paper. If holding the bonds pays best, the notes will be converted and the bonds used as currency. The inflation will be nearly as disastrous as in the other case, while the government must carry a heavier load of interest than ever before.

To avoid this objection, it has been proposed to make only a limited amount of bonds and notes convertible. Within this limit the effect would be the same, with this additional disadvantage: all who desired to reduce the amount of currency, either for speculation or to approximate specie payments, would convert the notes and hold the bonds. They could afford to do this, because they would receive a fair interest upon the money, while they were at the same time securing what they would consider a more important end, to wit, a contraction of currency and fall of prices.

When, then, we shall settle down to a specie-paying paper currency, I am inclined to give the preference to a system of national banking, free to all, and paying into the Treasury as

much money as the government could save by issuing its own notes. No other system could make the bill-holder more secure, earn more for the Treasury, nor so well supply the wants of trade.

This system cannot be adopted until after we resume specie payments; and this leads me to inquire how and when resumption shall begin. To answer this question, I will ask another: How much paper will our share of the world's gold and silver keep afloat? Before the war, under the old system of State banking, we were able to carry about two hundred million dollars. We can carry much more now, both because the world has more specie now than it had then, and because we would require less specie, owing to our improved system of banking and securities, to float the same amount of paper. It is hard to say how much paper we could keep out, but I will suppose five hundred million dollars. This is a rough guess, designed as an illustration rather than as a statement of fact. On this supposition, the seven hundred million dollars of paper now out would diminish after resumption to five hundred million dollars, or to such other sum as would be shown by experience to be our maximum. Specie payments, then, involves a contraction of the currency.

Whether this contraction should take place in advance, in preparation for, or follow as the effect of resumption, I do not care just here to consider. I am only asserting that we will have considerably less paper when we have specie payments than we have now. The effect of this contraction must be a fall in prices. Whenever we are prepared to submit to this, and take the consequences, we can find ways enough to bring it about. Many plans have been proposed, all feasible, though perhaps not all equally good. One is to resume at once, in the belief that gold will come into the Treasury as fast as it will be drawn out. Possibly this plan would succeed. Possibly the Treasury would receive as much gold as

it would be required to pay out; but if we did continue to pay specie, I am quite sure we would soon reduce the amount of currency, prices would fall, and the debtor class suffer.

Another plan is to fix a time of resumption, and save up enough gold to make it certain that we will be able to meet all demands. This would be pretty sure to enable us to continue specie payments once begun; but it would not, as is supposed, enable us to float our present amount of paper. If we thus secured more gold than would ordinarily stay in this country, it would flow back to its accustomed pools as soon as it was put upon tap, and we would soon be left with as much paper currency as our proper share of the world's gold would float, and no more. Low prices would follow as before. Another plan is to reduce the paper currency to an amount which we might suppose could be kept afloat, and then resume. The plan is good enough, but the effect would be precisely the same, a contracted currency and low prices. Another plan is to buy in or redeem the currency, beginning at about its present value in gold, and rising monthly in price, until we shall finally redeem it at its face. In the mean while we would pay out the notes as at present. This plan was introduced by the gentleman from Ohio [Mr. Garfield], and is as good as any. It avoids the danger of compulsory suspension, the expense of hoarding, and the uncertainty as to the amount to be retired. It is as gradual as any, and has this advantage over them all, that it foretells to the people exactly how fast prices will fall.

But while this plan is as unobjectionable as any, it does not avoid the great fault (if fault it should be called) of them all, to wit, an ultimate contraction of the currency. It is because all these plans involve this result that all are rejected. We are seeking for a plan that will keep afloat our seven hundred million dollars of paper, and still redeem it in gold upon demand. We will seek in vain. It is not in the power of legis-

lation. All the plans proposed, and all that can be proposed, are only different roads to the same goal. Some may be shorter than others, some more agreeable than others ; but travel which we will, we come to contraction and low prices at last. If low prices is the effect of resumption, when can we encounter them with the least injury? Most certainly when the people are least in debt. If nobody was in debt, nobody would be hurt by the change. To prepare for resumption, then, the people should endeavor to pay their debts while prices are still high. If Congress should take no steps towards resumption, the Supreme Court may. The argument over the constitutionality of "legal tenders" has ceased, and the court is deliberating. Nobody, I presume, not even the court itself, knows what the decision will be. The uncertainty of a jury verdict has passed into a proverb ; but I would as lieve bet on the jury as the judge. Who can guess to what conclusion a mind educated in belligerent logic and professional subtlety, tempted at least—perhaps swayed—by personal ambition, may come? It is quite probable, however, the court may search out some theory by which to sustain the action of Congress, prompted by the terrible necessities of the war ; but it is not so certain that it will attempt to clothe Congress in all future time with plenary power over all contracts, past, present, and future, and regardless of their terms and stipulations, to satisfy them with anything valuable or invaluable, paper, wood, leather, or anything else, that this body in its ingenuity can invent and call money. While this uncertainty hangs over the question, it behooves the people everywhere to take advantage of the high prices and liquidate their debts. Out of debt, out of danger.

You see, Mr. Speaker, I am neither advocating nor opposing these multitudinous plans of resumption. My object in rising at this time was to prove to the House that there can be no permanent resumption without contraction, and that all

feasible plans of resumption lead directly or indirectly to that result.

I think we had better not act upon any plan this short session. Standing still is a step towards resumption,—a very short step, I will admit; but still it is something. Every year adds to the world's stock of gold and silver. Every year, by the increase of our population, makes our share of it larger. We can, therefore, float more paper on a specie basis next year than this. This furnishes a small excuse for waiting, but I have a better one,—my constituents desire it.

SPEECH

ON THE CONSIDERATION OF THE FIFTEENTH AMENDMENT TO
THE CONSTITUTION OF THE UNITED STATES.

Delivered in the House of Representatives, January 29, 1869.

MR. SCOFIELD said :

MR. SPEAKER,—Whether the five million colored population of the United States should be excluded from all participation in the elective franchise is not, in my opinion, an open question. It has been debated in these halls and before the country for four or five years. In different ways, directly or indirectly, it has been carried into all the recent elections, and the “white man’s government” dogma has always been rejected. The time of enfranchisement, and the manner of enfranchisement, I will admit, are unsettled questions, but the underlying principle of universal suffrage has been approved over and over again. How stands the question practically to-day? Why, colored men vote in twenty-two States of the Union, in the District of Columbia, and in all the Territories. In Nebraska, Iowa, Minnesota, Wisconsin, in five of the New England States, and in all the late Confederate States, eleven in number, there is no restriction. In New York they vote upon a property qualification, and in Ohio, by the decision of a Democratic court, upon admixture of blood.

MR. MUNGEN.—I want to say that this is not a Democratic decision.

MR. SCOFIELD.—I understand the decision was originally made by a Democratic bench.

There are now left only fifteen States where the ballot is still withheld from men of color. It is not withheld there because a majority of the people condemn the principle, but because they did not consider that the opportune time for action had arrived, or because they had not yet agreed upon the extent and mode of enfranchisement. Enfranchisement has been coming along piecemeal, very much as emancipation came. Slavery was first abolished in the District; then in portions of the insurrectionary States by Mr. Lincoln's proclamation; then in Missouri, West Virginia, Maryland, and Tennessee; and finally, by the thirteenth amendment of the Constitution, the institution itself, with all its cruelties, crimes, and blood, was buried out of sight of the Christian world forever. Enfranchisement has followed slowly but steadily. State after State, as time and opportunity and public sentiment would admit, has given its assent to the doctrine of universal suffrage, until, as I said, in twenty States, in the District of Columbia, and all the Territories, there is no exclusion on account of color. We propose now to give the people an opportunity to consider whether the time has not at last arrived when it is safe to put the great words of the Declaration of Independence in the Constitution itself. We are told that some of the States are not yet ready; that Connecticut, Ohio, Michigan, Missouri, and Kansas have so declared. That is not conclusive; Connecticut acted several years ago, and the majority was not large. The State would not have given its consent to emancipation a few years prior to that. In Ohio the question was coupled with the disfranchisement of deserters, and could not be decided upon its own merits. In Michigan it was buried beneath the weight of an unpopular constitution, of which it was only a single section. In Kansas it was submitted with another question not yet ripe for action. It was

voted down in all of these States, not, as I believe, because the people condemned it in the abstract, but because they thought it premature, or because they found it allied with some other undesirable measure. I believe they would all approve it next year in the form we propose to present it; at least they could not take offence because they are asked for "the sober second thought."

The gentleman from Ohio [Mr. Bingham] proposes to attach to this proposition, which has been debated and considered, and, as I believe, substantially approved by the people, an undeserved and almost unsolicited act of grace to the cruel men who, for four years, drenched the land with blood, and whose implacable hate still pursues the unforgiven Unionist, with persecution, banishment, and murder. If we cannot send out for the people's consideration this little boon, I should rather say this act of justice, too long withheld, to the faithful but humble friends of the Union, without again putting the elective power of the country in the hands of men who so lately foreswore and betrayed it, we had better not act at all. Both propositions would thus be defeated. If the gentleman thinks his proposition is so popular, let him try it by itself. There is no gentleman in the House to whom I listen with more pleasure than to my valued friend. He illustrates whatever he discusses. But even he cannot persuade the people to again confide in men who broke both fealty and oath in order to betray and destroy the country. Their forfeited lives and estates have been restored. Let them enjoy them. I shall not trouble myself to give back to them their old mastery at the polls. There is very little, indeed, to trouble any one. The number now excluded is very small. Outside of West Virginia, Tennessee, and Missouri, no rebel, in any organized State, is deprived of the ballot. Everywhere else disloyal men swagger to the polls without let or hinderance. There were some small obstructions in Louisiana, Alabama, and

Georgia, as at first organized, but they have all been removed. In Tennessee the exclusion will be partially removed in 1871, and in Missouri the Legislature is authorized to remove it altogether after that date. So the friends of disloyal suffrage have small cause to complain.

SPEECH

Delivered at a Republican Mass-Meeting in Philadelphia, September 27, 1869, as reported in the Philadelphia Press.

THE large meeting was addressed by many speakers, from three stands in the open air.

In that campaign the Democrats were claiming that all the great questions which had divided parties during the last twenty years had been substantially settled, and the only question for present consideration was one of honest administration, and that such an administration could be best secured by a change of rulers.

After a short speech by the President at one of the stands, Mr. Scofield was introduced and spoke as follows :

Since the war has ended in the triumph of the national arms ; since the country, territorially divided when we came into power, has been reunited ; since the State governments, destroyed by the rebellion, have been mostly rebuilt ; since slavery has been abolished and the freedmen partially enfranchised ; since the fourteenth amendment has provided that the Union soldier, his widow, and orphan shall have pensions and bounties, the Union creditor shall be paid, and the Confederate debt rejected ; since freedom of speech, the foundation of all other freedom, has been secured for all the people ; since the national currency, by which internal trade and travel is promoted, and whereby conflicting prejudices and interests are harmonized, and the union of the States cemented, has been established ;

since the Pacific road, promised by the first national convention of the Republican party, has been completed ; since all these and other purposes of the Republican party have been accomplished and the country started out on a new career of great prosperity ; would it do any harm if the administration of these measures should now fall into the hands of men who, step by step, foot by foot, inch by inch, opposed their adoption ?

If I concede that the Union is now too firmly cemented to be again sundered, even by another Buchanan administration ; if I concede that the restoration of slavery is impossible and the recall of the franchise difficult ; if I concede that the claims of the Union soldier and creditor could not be wholly repudiated under the fourteenth amendment ; if I concede that the State banks, with their shaves and frauds and failures, could not be revived, nor the plan of a uniform currency wholly abandoned ; if I concede that all our great reforms would survive, although placed in the control of hostile hands ; I would still like to know, before we make the surrender, which side of kindred and reformatory measures that must continually arise in a young country like ours this Democratic party would take. Conceding that the past is safe, we still need some guarantees for the future.

The Democratic party claims to be a conservative party. It so announces its character through its various conventions. As such, its leaders, newspapers, and debaters advocate and defend it. The word "conservative" is placed before the word "Democratic" in announcing a party name. In some of the States the party is called Conservative without the addition of Democratic.

What does conservatism mean ? Opposition to the war, to emancipation, to reconstruction, to national currency, and Pacific railroads only ? No, gentlemen ; but opposition to all change, all progress, all reform.

They say we are radical. What does that mean ? Going

to the root of a principle,—following a theory to the end. It means progress, improvement, reform.

A radical or progressive party and a conservative or anti-progressive party have always existed in this country. Indeed, they exist in all free countries. They exist in England to-day. Last year the English radicals were pressing an enlargement of the franchise and the conservatives there, as here, were opposing it. This year the English radicals are advocating the disestablishment of the Irish church and the conservatives are again resisting. It is the province of a radical party to originate and advocate reforms, of a conservative party to criticise, ridicule, and denounce them. If these two parties were symbolized by a harness, the radicals would be the hames and the conservatives the breeching ; if symbolized by a railroad train, the radicals would be the locomotive, with the great forecasting light upon its brow, and the conservatives would be the breaks, with the little red lantern casting, from the rear end of the hindmost car, a lurid light upon the after-track.

Of course, in such organizations, there are many degrees in sentiment on each side. The least radical and the least conservative stand very near together ; while the most radical and the most conservative are widest apart. I am not here to condemn the existence of a conservative party. On the contrary, I think it is useful in its way and place. I do not reject the breaks nor the breeching. For some purposes they are as necessary as the hames and the locomotive. I hold, however, that each should keep its place. The locomotive and the hames should be in the lead, because they are organized for progress, and the breaks and the breeching in the rear, because they are organized to resist. A conservative party, therefore, which is, in its nature, unenterprising, resistant, and preservative only, should not be intrusted with the administration of a young and undeveloped country. A conservative party

could not build a Pacific road, nor create a national currency, nor enlarge the franchise, nor build up domestic manufactures, nor abolish slavery, nor originate any other reform. If it undertook such work it would thereby become a radical, instead of a conservative, party. A conservative party may do good by exposing the foolish measures that are sometimes proposed, and by preventing the adoption of good ones too hastily. Criticism is necessary to good playing, but the critic is never himself a player. On the other hand, a radical party proposes, agitates, plans, and executes. It is always going, but, except for conservative criticism, it might sometimes go wrong; and except for conservative breaks, it might sometimes go too fast. Yet it always moves forward, while a conservative always stands still or drifts backward. A conservative administration might do for China, but not for America.

I may be asked what is to be developed in the future. I will not undertake to foretell; but in a new country like this, principles and measures continually arise that need the administration of progressive men. When we were struggling to keep slavery out of free territory, who imagined that the question of universal emancipation would be forced upon us so soon? When the English radicals were struggling for an enlargement of the franchise last year, who thought they would, this year, lead the great reform of Church?

There are now some impending questions and more looming in the distance. The remuneration of labor is one. The working-people are struggling to lessen the hours of labor without diminishing its reward, that the poor may not become the mere slaves of toil nor the rich entirely freed from its necessity and blessing. The purpose is good. A radical Congress has sanctioned it so far as the government is concerned, by enacting that eight hours shall be a full day's work and command full wages.

Interstate commerce is another. Here and there, all over the country, some single State, generally a small one, throws its obstructing sovereignty across the track of domestic commerce and imposes its terms. You cannot visit the capital of your country to-day unless you pay tribute to an intervening State. Commerce appeals to Congress for relief. Our fathers, with wonderful forethought, provided that Congress should have power to "regulate commerce among the several States," but conservatism comes in with objections. Conservatism always objects. It is a strict constructionist. It opposes the purpose and therefore argues away the power. That awful State sovereignty must be respected. The little State must have its tribute and the nation must submit.

The propriety of imparting to the legislation of the country, in some form and some degree, the elevating influence of woman; the exclusion of the Chinese and other undesirable emigrants from the country; the abatement of the evils of intemperance, by such progressive and practical legislation as the public sentiment will sustain, and the devising of plans to render the civil service of the country independent of party success, are questions, even now, arising, but which can get no fair consideration by a party which does not believe in progress, and will reject them all simply because they are innovations.

So, if the great reforms were safe in the hands of the conservatives, they could not be trusted with the future. But they are not safe. The fifteenth amendment is not yet agreed to, and the fourteenth is still in dispute. Virginia, Mississippi, and Texas have not yet rebuilt their governments, and Georgia is in an anomalous position. The desire for disunion still exists in the South, though inactive for the present. They submit, but are not yet reconciled either to union or emancipation. They hate the Union debt, and would be glad of some way to avoid it. Why, then, should this new and unfinished

work be put in the hands of its enemies? When Fulton was slowly building his experimental steamer on the Hudson, he was the subject of ridicule by the captains and owners of "sail-craft." They foretold its certain failure. "It would not go," they would say, "and it would blow up if it did." When at last it was ready for the trial trip, would it have been safe or fair to take it from the hands of the great inventor and give it over to his mockers? Of course they would have fulfilled their own prophecy. In their hands it would not go, or it would have blown up if it did. So it will be with our great work if handed over to the maladministration of its enemies. They might not re-establish slavery, but they would deprive the freedmen of education and the ballot. They might not repudiate the national debt, but under the disguise of currency payment and special taxes, they would so depreciate the national credit that it could not be funded at a low rate of interest. They might not at once recall the national currency, but they would drown it out with State banks. They would not tear up the Pacific road, but they would not allow another to be made. They might not wholly repeal the tariff, but they would so modify it as to cripple manufacturers and lessen the wages of labor. No future reform could get even a hearing.

If, then, the conservatives could not be safely trusted with the guardianship of the past, nor with the decision of impending and coming questions, what good reason exists for placing the government under their control?

Will they collect their revenue more honestly or pay it out more economically than we will? I do not suppose there is any higher personal integrity in the one party than in the other. Each has corrupt men, but they are not made so by their political opinions. No man is dishonest because he is a conservative, nor honest because he is a radical. What reason is there, then, for believing that the finances would be more honestly or prudently managed if the Democrats were in

power? I know of none. On the contrary, there is one reason for believing that they would not be managed nearly so well. That party has been very severe in its criticism upon the national debt, upon the purpose and manner of its creation, upon the time and mode of payment, and upon the kind and amount of interest. Some of them have gone so far as to say that the debt could never be paid. Some have gone still further, and claim that it ought not to be paid. They have been equally severe in criticising and misrepresenting the taxes. Not only have they exaggerated the burden of the taxes, but, in entire misapprehension of the truth, have asserted that they were levied upon the poor; that they could not and ought not to be collected. They have also alleged that our whole financial system—internal revenue, tariff, currency, and all—ought to fail, and prophesied that it would fail. These criticisms, allegations, misrepresentations, and prophecies, although uttered, perhaps, with a view to party ascendancy, have been so long continued that they have created in that party a sentiment hostile to debt, taxes, tariff, and currency. They expect the debt to increase, the revenues to diminish, and the currency to break down. They have always foretold a general failure, and are now looking and almost longing for fulfilment. With such sentiments pervading the party in power nothing but maladministration could be expected. The revenues would diminish, the debt enlarge, and the expenses increase. The party would tolerate such results not because they would approve of peculation, waste, or misappropriation of the public funds, but because they had been taught that the debt was unjust and taxes oppressive, and nothing better could be expected. The sentiment in the Republican party is just the reverse. They believe that the debt was necessarily contracted, and ought to be honestly paid; that the taxes were discreetly levied, and ought to be carefully collected and economically expended. They believe that the debt can be paid, and expect to see it

diminish every month. They demand that of their public servants, and will be satisfied with nothing less.

This is not mere speculation. We have had an experiment. During the last years of Mr. Johnson's administration the Democrats had control of the executive power. Their friends were appointed to collect and disburse the revenues. They were as honest, I suppose, as the average of such officers; but they had no public sentiment within their own party to call them to account; and all alarms raised by us were attributed to party warfare. The consequence was, the revenues constantly ran down and the debt as constantly rolled up. What did they care? Had they not always said that whiskey could not stagger under such a load of taxation and that such a monstrous debt could not be paid? Their maladministration justified their foresight. At length the administration came back to the party which had always claimed that the taxes were properly levied upon the luxuries and wealth of the country, and could and ought to be collected; and that the debt was contracted for the preservation of the Union, and could and ought to be paid. And, lo! the debt begins to diminish. In six months forty-nine and a half millions have been paid. Why? Because our party has more personal integrity than the other? No, gentlemen, but because the public servants are accountable to a sentiment which demands that the revenues shall be collected and the debt paid.

SPEECH

ON A BILL FOR THE REVISION OF THE TARIFF.

Delivered in the House of Representatives, March 22, 1870.

MR. SCOFIELD said :

MR. CHAIRMAN,—There is but one objection raised to the *general purpose* of this bill. There may be many objections to some of its details. The duty on particular articles may be deemed too high or too low ; the free list may be considered too large or too small to properly carry out such purposes ; but to the purposes themselves I have heard but a single objection.

What are the purposes ? The first purpose is to raise revenue. To this purpose there is no objection from any quarter. It is agreed on all sides that the tariff furnishes a cheap mode of raising revenue, and that of all modes it is the least offensive to the people. The one hundred and eighty million dollars in gold, derived last year from the tariff, gave far less vexation and offence to the people than the thirty-five million dollars in currency derived from incomes. Before the war nearly all the expenses of the government were paid by tariff. We differed then, as we differ now, about its terms ; but it was agreed by everybody then, as it is by everybody now, that a large portion of the necessary revenue should be raised in this way. All other countries, as well as our own, have approved and practised the same system. All advocates of free trade make an exception in favor of revenue.

Having agreed, then, to raise revenue by a tariff, because it

is found least offensive to the people and least expensive to the government, the question arises as to the propriety of departing, in any instance, from a strict revenue rule; of making some discriminations to effect some other beneficial though collateral purpose.

We all agree to one departure. We all agree to levy the highest duties upon articles consumed by persons who are most able to pay taxes. This is a discrimination in favor of the poor. It is a departure from the revenue rule, but is so clearly just and beneficent that no one complains.

Another departure is proposed. It is called a discrimination in favor of protection. Here comes in the objection to which I referred. Having agreed that we should have a tariff for revenue, having agreed also that it should discriminate in favor of the poor, we disagree about this second proposed discrimination. Except in the matter of details, I think we disagree about no other feature of the bill. Now, let us consider this difference.

A large amount of capital, not less, it is estimated, than two hundred and fifty million dollars, is invested, outside of our country, in the manufacture of articles which are consumed within it. I refer now only to articles that might be made at home, if we had the labor and money here. This estimated amount includes only the sums directly employed in the business. If all the necessary collateral investments were to be taken into account, one billion dollars would be none too large. What good does this investment do the countries where it exists? It pays into the foreign treasury many millions of taxes, and lightens to that extent the taxes on other property; it assists to build railroads, canals, and river improvement; it erects workshops, mills, and dwellings; it contributes to the school, the church, the college, the poor, the highway, and the state. But more than all this, it employs, supports, or gathers around it, in some dependent manner, five million of population. This population consists of capitalists, managers, engi-

neers, chemists, inventors, superintendents, mechanics, producers, and laborers. Such a population is necessarily intelligent, enterprising, moral, industrious, and thrifty. It is the best of foreign population and the very people most needed in this country. From their occupations and position in society they believe in and sympathize with republican institutions. If all this capital and population could be enticed to our shores and distributed equally over the country, it would give to each Congressional district more than one million dollars and add twenty thousand to its population. This sum would be much larger if the collateral or following investments were to be considered.

Now, sir, why does not this vast capital and this most desirable population move to America and perform the work by the side of the market and the raw material? Why does it not make railroads and canals, build towns and cities, pay taxes, and owe allegiance for and to the country that furnishes their material and consumes their manufactures? Is it because these enterprises cannot be conducted as cheaply and profitably in this country as any other? No, sir; food is cheaper here, cotton is cheaper, coal lands, ore lands, and nearly all unworked materials are cheaper. Nothing is dear or scarce but labor and capital, the acquisition of which is the matter of consideration. Why, then, do not capital and labor come here of their own accord? Simply because it is invested and settled in the old country. If the capital was uninvested and the people unsettled, looking for a place to invest and settle, this country would be chosen at once. To sell out and move involves loss, time, and trouble. It would sink a large part of the capital. It is cheaper to pay transportation both ways. And so it is that while we furnish both the raw material and the market for all this capital and manufacturing population, the old countries have all the advantages of their society, enterprise, taxes, and allegiance.

Now, we propose to induce this capital and population to move to America. We propose to do it by a little discrimination in the terms of the tariff, which we have already agreed to levy, for other purposes. We propose to say to these manufacturers, "If you stay outside of our country, if you pay your taxes and give the benefit of your society, enterprise, and allegiance to another country, we cannot put you on an equal footing in our market with those who pay taxes into our Treasury, help improve and develop our country in time of peace, and defend it in time of war. We have already agreed to put a small duty, for revenue only, upon your goods as they enter our ports; we will make it a little larger to furnish you an inducement to move to America, or to give those who do move a little advantage in our market over those who will not." I do not expect that such an additional duty—so small an advantage—will induce these people and this wealth to come here at once. Valuable mills, shops, and dwellings cannot be abandoned and lost. To change these requires time; but all new enterprises, all capital that would rebuild or enlarge, all young, unsettled, and adventurous mechanics and artisans, will come at once. In time all will come. In time it will be found cheaper to stand the loss of moving than to pay transportation, both ways, with the protective duty added.

Now, sir, why should we not levy this small additional duty, and thus entice to our shores this great wealth and industry? Because, it is said, it will increase the cost of the imported articles. Admit it; but does not a duty, laid for revenue only, increase the cost also? Do not all internal taxes have the same effect? Does not the tax on home manufactures, whiskey, or anything else, increase the price, after the tax is paid? Of course it does. All taxes raise the price of the articles upon which they are paid. If land is taxed, it will appear in the products of the farm; if railroads, in the cost of

travel and price of freights ; if merchandise, it must be made up in the sales. You cannot raise revenue and have its burden nowhere felt. If we are to levy no protective duty because it will raise the price, then, for the same reason, we are to levy no duty whatever ; for the same reason, you cannot tax anything. While I admit that a protective tariff will raise the price to the consumer, in the same way that a revenue tariff will, I do not admit that it will raise it in the same degree. Home competition compels the foreign manufacturer to put down his price to the lowest point of profit ; in other words, to stand a part of the duty ; but the importer of articles for which there is no home competition charges up the whole duty to the consumer. This increased cost of protected articles is the only objection that has been or can be raised to a protective tariff ; but if that objection is to prevail, as I have already shown, we can have no revenue tariff and no internal taxes whatever.

Compare, then, the disadvantage with the advantages of a protective discrimination. The only disadvantage claimed is the increase in price,—not large, not oppressive, not much above the increase from a revenue tariff to which all agree ; an increase that is necessarily short-lived, diminishing constantly as foreign capital and labor move to this country, until it disappears altogether. Investment and competition at home, where living and materials are cheapest, must finally bring the price even below the foreign standard.

The advantages are more numerous and more important.

First. It brings to this country for investment in manufactures and other enterprises many millions of capital.

Second. It moves to this country a large and most desirable population.

Third. It makes a large addition to the assessable wealth of the country, and thus lightens the burdens of national, State, and municipal taxation.

Fourth. While it thus renders the country prosperous in time of peace, it makes it independent of all foreign nations in time of war.

Fifth. It furnishes to the farmer and producing classes an increase of the present home market as large as the whole foreign market, with this superadded advantage, that this increase is beyond the reach of competition from the granaries of the Old World.

Sixth. It avoids the fluctuations in the value of our money, occasioned by sending it abroad to liquidate balances of trade.

The one disadvantage is small, little felt, and at worst temporary. The advantages are great, national, and lasting. The one is as the trouble of planting a tree; the other as the perpetual enjoyment of its shade and fruit; or as the labor of sowing a field compared with the plentiful harvest, thrift, and independence.

Subsequently when the bill was being considered under the five-minute rule, on a pending amendment reducing the tariff on iron, Mr. Scofield said :

Gentlemen complain that while iron has had the protection of a tariff for many years, the domestic producers are not yet able to undersell their foreign competitors. They infer from this that the claim set up that home competition will, ultimately, reduce the price of the manufacture, is not well founded. Such complainants have not properly considered how much preparation and how large expenditures are needed before this or any other great manufacture can be successfully started. Iron ore and coal are not usually found in the same locality, and neither of them in the neighborhood of a great central market. These treasures are usually deposited in the mountains and waste places of the earth. They must first be connected with each other, and then with some great market,

by railroads or canals. This single interest, solitary and alone, cannot afford to construct great public highways. You must wait until other enterprises and other local interests can be combined with it before these expensive works can be begun, to say nothing of the time required in their construction. It is true a single season and a small amount of capital will suffice for the furnace, but many years must elapse and many millions be expended before the raw materials and the market can be brought together and the skill and experience necessary to the cheap and economic manufacture acquired.

My own district furnishes an apt illustration of this explanation. Within a hundred miles from the southern shore of Lake Erie are large deposits of bituminous coal, of excellent quality and exhaustless in amount. Within a less distance from the southern shore of Lake Superior are deposits of iron ore, yielding sixty-six per cent. of pure iron, exhaustless as the coal. This coal and ore are at last brought together along the shores of the lakes. Many furnaces have been built within the last few years. They are just beginning to throw their manufactures upon the market, and cheapen it, by the additional supply.

Why did they not develop this trade twenty-five years ago under the tariff of 1842? Because it then cost too much in transportation to bring the ore and coal together, as well as to take the product to market. Expensive lines of railway had to be constructed from the coal to Lake Erie and from the iron ore to Lake Superior; harbors had to be made or improved; a ship-canal had to be constructed around the rapids of Ste. Marie, and the St. Clair flats had to be scooped out. Such great enterprises must needs have time. But at last, after many years of effort, of partial failures and partial successes, the work is in a measure completed. The coal and iron have been brought together, and both connected with the centres of the iron trade. Development and enlargement are

all that is now left to be done. The erection of furnaces and rolling-mills, the construction of lateral roads to unopened beds of ore and new fields of coal, and the enlargement of the shipping on the lakes is the work now in hand.

But, it is said, you have been very slow about this. That is true; and why? Capital is cautious, and every year you threaten it with a new rate of duty. It enters into these enterprises thus tardily because it dreads the uncertainties of politics. I asked an enterprising capitalist of the Democratic party why he did not build a rolling-mill. "Because," said he, "if we elect Seymour, I may have to carry a transparency in a Democratic procession inscribed 'Down with the monopoly!' That would not be pleasant if I owned the monopoly." Enterprise, capital, and labor have always been in doubt as to what the politicians would do. Hence they move very slowly, hesitate, and stop. They do not know what day they may be crushed by half a line of tariff, put through Congress under the cry of "Down with the monopoly!" This cry really means down with home competition and up with foreign monopoly. If you want the iron interest to prosper and the country to prosper with it, let the tariff alone. The up and down policy is the worst of all policies. Better to be up or down than to be both by turns. Business needs certainty, uniformity, steadiness. Then enterprise, labor, and capital can tell in what field of effort they may be most profitably employed. If you decide upon the low-tariff policy, and thus give to the foreign manufacturer the monopoly of your market, capital and labor will of course go abroad. If home competition is to be encouraged they will come to this country. They have a right to know where you intend they shall work. They have a right to demand that you shall not first, by a protective tariff, entice them to put up their workshops in America, and then by a repeal drive them away.

SPEECH

Delivered in the House of Representatives, June 25, 1870.

THE Speaker stated the regular order of business to be the consideration of a bill to admit the State of Georgia to representation in the Congress of the United States, returned from the Senate with sundry amendments, on which the gentleman from Massachusetts is entitled to the floor.

MR. BUTLER, of Massachusetts.—I yield whatever time I have left to the gentleman from Pennsylvania [Mr. Scofield].

THE SPEAKER.—The gentleman has half an hour.

MR. SCOFIELD.—I ask the Clerk to read the substitute moved by the gentleman from Massachusetts [Mr. Dawes].

(The Clerk read as follows :

“SECTION 1. *And be it further enacted*, That the State of Georgia having complied with the reconstruction acts, and the fourteenth and fifteenth amendments to the Constitution of the United States having been ratified in good faith by a legal Legislature of said State, it is hereby declared that the State of Georgia is entitled to representation in the Congress of the United States.”)

Mr. Speaker, I support that substitute. It is stripped of all conditions and involves only this question, Is it important that any law for the admission of Georgia should be enacted now or at any time? According to the Democratic theory of treating the seceded States, it is not; but according to the Republican theory, it is indispensable. The Democrats have always held that these States have all the time been entitled to

representation ; that their Federal relations were never severed, and that all Congressional legislation upon that subject was unconstitutional and void. The Republicans, on the contrary, have held that all legitimate State government was destroyed by the rebellion, and that the relation of these people to the Federal government was similar to that held by the inhabitants of an unorganized Territory. To convert such a Territory into a State required three successive steps in legislation :

First, an organizing act creating a territorial government.

Second, an enabling act authorizing the people to frame a constitution and elect officers preparatory to admission.

Third, an act approving the constitution as republican in form, and admitting Senators and Representatives in Congress.

Under different names we have applied this theory and its three legislative acts to the Confederate States. We have changed a few words, to reconcile those gentlemen who could not at first adopt the territorial theory. So "territorial" is softened into "provisional," "enabling" into "reconstructive," and "admission" into "restoration." Whatever some persons may think, or however illogically they may reason upon the subject, the meaning is the same and the assumption of power the same. It is true that in dealing with these States we have not always exercised all the authority claimed under this theory. We have sometimes adopted governments which we did not authorize and called them provisional, and once admitted a State with a constitution which was not made in pursuance of Congressional authority ; but the same irregularity has occurred in territorial history.

Arkansas was originally admitted without an enabling act, and California without either an organizing or enabling act. These omissions are always supplied by legalizing the unauthorized acts of the people ; but the act of admission, the act by which a territorial or provisional government is converted

into a State government, never has and, unless we abandon our whole political theory, never can be omitted. Our theory, then, requires that an act of admission or restoration should be passed at some time for the State of Georgia. On this side of the House, I suppose, we all agree about that.

For this purpose a bill has been presented by the proper committee. This bill is opposed, not particularly on account of its form, not at all on account of its purpose, not because Georgia is not now prepared for admission, but because it is claimed that the State was admitted more than a year ago. The gentleman from Ohio [Mr. Bingham] thinks so. He is good authority with me, and I suppose I may say with all gentlemen on this side of the chamber.

During the dark period of war and the troublesome period of reconstruction his brilliant debate resolved many questions of doubt. I trust always his honest purpose. But here is a question of fact. It is not intricate. It is not even difficult. It all depends upon the short act of June 25, 1868. If Georgia is not admitted under that act, it is not admitted at all. Nobody alleges that there is any other act under which Georgia might claim to have been restored. That act provides that Georgia shall be readmitted as a State after her Legislature shall have done two things, to wit, ratified the fourteenth amendment, and "by solemn act declared" her assent to certain fundamental conditions therein named. It is not claimed that this act admitted the State at the date of its passage, because it expressly postponed admission until after these two things should be done. But it is claimed that these things have since been done, and that the doing of them admitted the State. I presume they have been done, though the Senate decided that they were not. But that is not enough. The facts——

MR. BEAMAN.—When was it the Senate decided that they had not complied with these conditions? The Senate refused

to admit Senators from Georgia because her Legislature had expelled the colored members of that Legislature.

MR. SCOFIELD.—The gentleman is only talking about a fact. I am talking about the legal result. The Senate decided that there was not a legal Legislature, and, therefore, there could be no compliance with the prescribed conditions. That decision was based, in part at least, upon the fact stated by the gentleman. I will concede, for the sake of the argument, that they were legally done. But that is not enough. The facts must be adjudicated by competent authority. It will not do to leave to courts to prove the facts each for itself. Some power must decide that the acts were done, and that decision must preclude all other inquiry. The fifteenth amendment was agreed to by three-fourths of the States some months ago, but nobody was authorized to act upon it as the law of the land until the 30th of March last. Why not? All the necessary facts to make it a part of the Constitution existed; but these facts were not adjudicated by competent authority and the result announced until then.

So when a State is to be admitted, after certain acts are done, Congress, or somebody authorized by Congress, must examine and verify the facts before any such important event as the admission of a State can be based upon them. Before that adjudication every one is at liberty to hold his own opinion upon them and determine for himself whether the acts are properly done or not. This is a principle of universal application in all matters of law.

But it is objected that if this rule is to prevail, the States of North and South Carolina, Alabama, Florida, and Louisiana have never been admitted. It is true that these States were also required to ratify the fourteenth amendment, but the law authorized the President to pass upon that fact and announce the result by proclamation. That has been done. The fact upon which admission depended was thus adjudicated and

settled. By the terms of the act that proclamation admitted these States. Missouri, Nevada, and Nebraska were admitted in the same way. Besides, Congress has twice recognized the admission of these States, once by admitting their Representatives and once by counting their votes for President. Either one was enough. No particular form is necessary. But Georgia is in quite a different position. The act of 1868 required certain things to be done in addition to ratifying the fourteenth amendment before admission, and no authority has yet adjudged that these things were done. The President was not authorized to decide it, and he did not undertake to do so. He was authorized to decide and declare the other fact, and did so, but was silent about this.

But it is said that the State officers-elect and the United States military officers in Georgia decided it. It is true that these military officers did turn over the government to the civil officers-elect. It is also true that the civil officers assumed the authority, and went on legislating and governing Georgia as a real State until Congress passed the act of December 22, 1869. They then decided that the State was not yet admitted, and dropped down from the supposed full-fledged State to a provisional condition. Great emphasis is placed upon this action both here and in the Senate. But what has it to do with this question? If a State can be admitted in this way, all the Confederate States were admitted some four or five years ago. Conventions were then called, constitutions framed, civil officers elected, and the government turned over to them by order of President Johnson. They claimed that they were restored, called themselves States, and went on legislating and governing as such till March 2, 1867. The President also claimed that they were restored, and advised Congress of the fact, and also advised them that nothing remained to be done except for Congress, each House acting separately and independent of the other, to admit Senators and Representatives.

Congress repudiated this advice. They solemnly declared on the 13th of December, 1865, that no State could be admitted or restored except by act of Congress. They repeated this declaration on the 20th of February, 1866, and again on the 2d of March, 1867, and in divers other ways and times intermediate. Why, then, should we be told here what these gentlemen of Georgia thought and said and did about this question of admission? They had no power over the question. But if they had, then their reverse decision since the act of December 22, 1869, would be the authoritative one. So that the gentlemen are ruled out by their own citation. Congress is the only body clothed with power to determine that question ; but as yet has never acted upon it.

But it is said that Congress expected that Georgia would be admitted under the act of June 25, 1868, and that the construction which excludes her is more technical than substantial ; that Congress might with great propriety have waived this technical rule and treated the State as if regularly admitted in July of that year. That is all true ; but Congress chose to do otherwise. Therein lies the trouble. Instead of waiving this technical rule, as we might have done originally, and as, perhaps, we should have done ; instead of treating her as an admitted State, our whole line of action and legislation has been based upon the opposite presumption. It is now too late to cover the irregularity by non-action alone. That might have been enough for the original deficiency ; but to cure that, with all our subsequent action based upon it, demands now a positive act of admission. Has not anything been done by Congress to recognize Georgia as a State? No, sir ; nothing. On the contrary, Congress has three times repudiated the idea that Georgia was restored by that or any other act. First, when they refused to admit her to representation in Congress. I know the House admitted the Representatives, but the Senate refused. It is the same as if we had agreed to a concur-

rent resolution for admission and the Senate rejected it. So far as it goes, it was an adjudication against her. Second, when both Houses refused to count her vote for President; that was another adverse adjudication.

MR. JONES, of Kentucky.—The gentleman seems to elaim that the fact of Congress having refused to allow the electoral vote of Georgia to be counted was a reason why she was not a State in the Union. I ask the gentleman if that refusal was not conditional, and so announced by the Vice-President, who was the presiding officer of the joint session of the two Houses?

MR. SCOFIELD.—If the gentleman from Kentucky had paid careful attention to what I was saying he would have seen that I was not touching the point he has raised. I say that we need affirmative action for the readmission of a Confederate State. That is the Republican theory. The Democratic theory is the other way. Therefore, when Congress refused to count the vote, whatever reasons members might have had in their minds, which reasons do not appear upon record, there is an absence of this affirmative recognition.

MR. JONES, of Kentucky.—In the event, therefore, of the votes having been counted, there would have been affirmative action and a recognition of Georgia as a State in the Union?

MR. SCOFIELD.—Certainly. If we had counted the votes of Georgia as a State, that would have been a Congressional recognition that Georgia had been admitted under the act of 1868.

MR. JONES, of Kentucky.—The vote of Georgia was to be counted in one event,—if it were necessary to the election of General Grant.

MR. SCOFIELD.—No. The gentleman misunderstands the case or misstates it. The vote was to be counted in no event; but the effect that it would have had, if counted, was to be stated.

Third, by the act of December 22, 1869, in which we

not only treat the government as still provisional, but expressly declare that Senators and Representatives shall not be admitted until after the Legislature shall have ratified the fifteenth amendment. The Executive Department has twice acted upon the same presumption ; first, in putting her under military authority after the act of December 22, 1869, and second, in refusing to count her as a State in the adoption of the fifteenth amendment. I claim, therefore, that Georgia could not have been admitted under the act of 1868 until it should be decided by Congress that she had complied with the conditions therein required. Congress has not so decided, but, on the contrary, has three times decided the other way. It is therefore necessary to pass an act of admission. That is the object of the pending bill. It is in the usual form, with the conditions applied to several other States.

But here comes in another trouble. About two years ago the people of Georgia held an election under the enabling act of Congress, and selected persons to act as State officers after admission. Under the impression that the State was admitted, a part of these gentlemen, in July, 1868, entered upon the discharge of their duties, and continued to act as State officers until Congress passed the act of December 22, 1869, since which time they have been again called provisional.

Now, Mr. Speaker, inasmuch as these gentlemen were elected about two years ago, and inasmuch as they have acted as provisional officers most of the time since, it is proposed that Congress shall, in the act admitting the State, order a new election.

Before we act upon this proposition, certainly before we order a new election, we ought to consider the legal rights of the parties to be affected by it, to wit, the officers themselves, and the people who have elected them. The constitution of Georgia provides that the members of the Legislature shall hold their office for the term of two years and the governor

for the term of four years. Congress approved this feature of the constitution as republican in form in July, 1868. In April, 1868, the people of Georgia held their first election. A governor and Legislature were chosen, but not to act as provisional officers during the time that might elapse before the State should be admitted. The people had no authority to do that, either from their own convention or from Congress. But they were expressly chosen to act as the first set of State officers whenever Georgia should be clothed with the dignity of a State. The commission from the people gave no authority to these gentlemen to do anything prior to the admission of the State except to await that admission. In the mean while Georgia was entirely under the control of the Federal government.

That government might authorize, permit, or suffer these same gentlemen to act as provisional officers while awaiting admission, as has been done in other States both before and since, and in point of fact did so; but that did not enlarge or diminish their right or duties under the people's commission. It follows, then, as a legal conclusion, that whenever the State is admitted the official term of these gentlemen begins, and not before. And then the constitution of Georgia provides how long they shall continue. If the State was admitted in 1868 their term began then, whether they entered upon their duties or not; but if admitted now their term begins now, however employed in the mean while. And if we now pass any act for the admission of the State it settles the whole question, because such an act is a Congressional decision that there was no such act in 1868, which Congressional decision, according to the Supreme Court decision in the case of Rhode Island, precludes all further inquiry. The constitutional result, therefore, of a simple act of admission is to authorize these officers-elect to enter upon the discharge of their duties, and to continue therein the full term prescribed by the constitution of Georgia.

Now, if we intend to exclude these men from office, or to shorten their terms, we must do just what this amendment of the gentleman from Illinois proposes to do, order the State to hold a new election after its admission. This proposition involves two considerations.

First. Have we the constitutional power thus to override, interdict, or interpret the constitution of Georgia in this particular? The Constitution of the United States clearly authorizes Congress to see that the constitution of a State applying for admission is republican in form. Hitherto we have gone no further than this. To be sure, we have not always agreed as to what a republican form of government is. The Constitution does not define it, and each one therefore sets up his own standard. Some members hold that a government is not republican in form unless voting, office-holding, and education are equally open to all, and in prescribing conditions to the admission of a State have voted accordingly.

The pending proposition goes much further than that. It assumes authority, I think, never before claimed, certainly never before exercised. It does not pretend to touch the form of government over which we have jurisdiction, but assumes control over matters purely ministerial. It assumes the right to dictate to a State when she shall hold her election for State officers, and how long these officers shall be permitted to act. In principle it assumes control over the entire ministerial machinery of a State government. The clause in the Constitution of the United States which gives us jurisdiction over the form of State government gives us none over its ministerial provisions. Perhaps, however, we have that power, derived from some other source. It is not now my purpose to deny it. But if, as many persons think, a condition touching the form of government is scarcely constitutional, where can they find authority to prescribe a condition touching only a ministerial duty of the State?

Second. But admitting that we have the power to turn these officers out and order a new election, is it just and proper that we should use it? They were fairly elected. I have shown that their term was to begin when the State should be admitted. I have shown that the State was not admitted in 1868 ; that it ought to be admitted now, and that the constitutional result of such admission entitles these gentlemen to enter upon the discharge of their official duties and continue therein for the full term. Why should Congress interfere to exclude them ?

Are they incapable? It was said that the governor had once been a superintendent of an express company. That is no disparagement. It requires as much talent and character for that position as it does for governor of any State in the Union. The bitterness with which he is pursued by the late enemies of the Union attests both his fidelity to the Constitution and his ability to foil their machinations against it. It was also said that some of the legislators were deficient in education. If that is so, whose fault is it except the fault of the complainants? They made it a crime for these men to read either the Constitution or the Bible. They lock the fountains of knowledge and taunt their victims with ignorance. They shut out the light of heaven and complain of imperfect sight. If this charge of ignorance was well founded these critics ought to be the last persons to make it, and the first to bear with, forgive, and overlook it. But it is not well founded. The criticised men have excellent natural capacity, considerable observation, education, and experience, and, withal, an earnest disposition to seek and do the right, even to their former despoilers and present persecutors.

Are they dishonest? Nothing of the kind has been alleged in this debate, much less proved. Vituperative language, insinuation of wrong, has been applied to the governor, but who in public life is exempt from that?

Do they lack courage to meet the turbulent times and turbulent men of the State? I understand not. On the contrary, they have stood up with wonderful firmness, and inspired the Union people with great patience, hope, and forbearance. They have exposed their own lives to protect the weak, and upheld the cause of the Union among the bold and reckless disturbers of the peace with which they are surrounded. Do they join hands with violent men for the oppression of the people? Are their names enrolled with the secret clans whose purpose is to threaten, intimidate, maltreat, and murder? No, sir. They and their friends are rather the victims of these ministers of darkness. All have suffered; many have fallen at the hands of these masked demons. These at least are beyond the reach of our friendly ostracism. Their enemies, the Kuklux, did the business. And in the dark councils of these malignant spirits our proposition to ostracize the survivors would pass with a yell.

If, then, these officers are capable men, honest men, firm Union men, legally entitled to and not legally disqualified for these offices, why should we undertake to legislate them out? Were they not fairly elected? No one denies it; but they were elected in 1868, it is said. So were you, Mr. Speaker, and all the rest of us, and they were elected for just this purpose,—namely, to come into office when the State should come into place. Do the electors repent of their choice? No, sir. On the contrary, they entreat you through their newspapers, by public meetings, in private letters, and by representatives sent to your capital, not to set aside an election which on their side was so fairly conducted and so honestly and triumphantly won, though at the hazard of life. I know there are some political rivals, some malcontents, some soreheads who seek another chance of personal success. It is always so. All parties in all the States are afflicted with discontented and factious men who always think the State is going to ruin if they

are out of office. The men are fit, the people who elected them are content, the law as it now stands entitles them to office, and the constitution of Georgia defines their terms. What more can be found to complain of?

Why, sir, it all comes down to this: by the permission or sufferance of the Federal government they have been acting as provisional officers for the last year and a half, part of that time in the belief that the State had been admitted. Why should that exclude them after the State shall be in fact admitted? It is not pretended that it interposes a legal disqualification, nor that they are the worse for a little experience. They have held office a short time before! This at last is the great objection. It is a trifling objection. It does not become the Congress of this great republic to assume such extraordinary power to accomplish so small an object, even if the object were meritorious. But the object is not meritorious. The motives and argument of the case should incline us rather to the other side. If we were to interfere at all it should be to secure to these officers the places to which the people have called them during the constitutional term. We might then hope, not that the Union men in Georgia would be free from insult, attack, and assassination, but that an honest effort would be made to punish open, mid-day murder.

Mr. Speaker, I have thus stated the history, the theory, the principle of the case. Let me again inquire what great purpose is to be subserved by this stretch of our constitutional power? When Congress provided that all contracts should be satisfied with government promises, not then and not yet redeemable, a great many patriotic people feared that we had exceeded our power. When Mr. Lincoln issued his great proclamation of freedom its constitutionality was questioned even by some of its advisers. But here was a great purpose, the preservation of the republic and the elevation of a long-injured race. The constitutional question was lost in the

magnitude of the purpose. What great national or humane purpose is contemplated by this proposition? None, sir; none. We assume unusual power, unconceded power; we go further than Congress has ever gone before, not to save a nation, not to lift up a race, but to filch a few months from the constitutional terms of the officers-elect for an incoming State. Our political enemies support it. They have often charged us with assuming extraordinary power during the terrible struggle with the rebellion. They go much further now. Let us not follow them into this untrodden field of questionable power for the mere purpose of attacking our friends.

REMARKS

Made at the Congressional Convention which met at Ridgeway in 1870.

AUGUST 2, 1870, Mr. Scofield was nominated for his fifth term in Congress. The following report of the proceedings and Mr. Scofield's remarks are copied from the *Titusville Herald*:

General Kane, of McKean County, was made president of the convention, and A. D. Wood, of Warren, and M. W. Caughey, of Erie, secretaries.

General Kane, on taking the chair, thanked the convention and complimented Hon. G. W. Scofield, our present member of Congress. William Griffith, Esq., of Erie County, also spoke in complimentary terms, and moved his renomination by the convention. The motion was carried by acclamation. Judge Scofield, on being notified of his renomination, appeared before the convention, and made some extended remarks.

He thanked the convention for the nomination, and said he accepted it because he knew it was freely bestowed, both by the convention and the patriotic and intelligent people whose delegates they were. If elected he should endeavor to prove to them that the fact that he had nothing more to expect at their hands—for he would not again be a candidate—did not lessen his zeal in support of their principles nor his attention to their personal wants. He discussed briefly the political situation.

The military history of the world, he said, presents numberless instances of a great victory, won by long suffering, skill, and valor, and suddenly turned into defeat by the carelessness of the victors. It is always the same story. Instead of holding their position until the fruits of the victory are well secured, they give themselves up to rest, to rejoicing, and to disputes about the division of glory or spoils. The vanquished army sees the situation, regains its courage, rallies its retreating battalions, and at a single blow recovers the day.

The Republican party is just now in its dangerous hour of triumph. It is victorious at all points, but its great principles, purposes, and measures are not all, nor nearly all, beyond the power of hostile administration. The first great question which confronted it upon assuming power in 1861 was the right to coerce a rebel State. Against the armed opposition of the whole South, and the earnest protest of the whole Democratic party in the North, we decided it in the affirmative. That decision secured the final restoration of the Union. But from that day to this it has never received the sanction of our political opponents. On the contrary, their conventions have endorsed the opposite doctrine contained in the Virginia resolutions of 1798. Nor has a single principle involved in the war been endorsed by that party. Upon their records all that glorious history is still branded as "unconstitutional, revolutionary, and void." Emancipation was bitterly opposed, and in their platforms still stands condemned. Their resolutions, speeches, tracts, and sermons in favor of the cruelest bondage that ever disgraced the earth have never been expunged by any repenting expressions of opinion. The fourteenth and fifteenth amendments were repudiated, and their legal adoption denied no longer ago than last month, in the House of Representatives, by the recorded vote of the whole party. The reconstruction of the Confederate States is now completed. The Union people are thus placed in a position of comparative safety. But all

this work, too, is branded as "unconstitutional, revolutionary, and void." The financial problem is not yet solved. We have agreed to a national currency, equally valuable all over the Union, a currency by which we are exempt from the financial panics that formerly destroyed all business every few years, and still afflict the rest of the world, but it is still incomplete. The whole thing has been steadily condemned by the opposition. We have at last a law to fund the debt at a low rate of interest, but if a party tainted in the least with repudiation acquires any considerable power in the country, the capitalists will not touch it.

The Republican party is indeed triumphant, but it is not in a situation to relax its vigilance. Its great work is not in a condition to be turned over to the maladministration of its enemies. The enemy is now stronger than ever. The Democrats of the North have joined their forces with the rebels of the South. They are numerous, united, hopeful, and active. Their central committee at Washington has issued an address of counsel and cheer. They claim that the Republicans are demoralized, that our leaders are ready to betray us, and call upon their broken columns to rally for another struggle. They hope to carry the next House of Representatives and many of the State Legislatures. This will enable them to block all Republican legislation at Washington, and district the States, after the next census, in their own interest. If we wish to secure to the country the fruits of our victories, if we wish to crystallize our great principles and measures into the legislation of the country, we must not allow ourselves to be diverted from that purpose by personal bickerings and private griefs of leaders. Personal rivalry and personal ambition exist, and always will exist, in all parties, and among the most meritorious and patriotic citizens. It is all right. But the disinterested people should see to it that such struggles are not allowed to endanger the triumph of great principles. The

national administration is fulfilling the pledges made before the election. Under President Johnson the taxes were high, but the debt was all the time increasing. We promised to reduce both the taxes and the debt. We have done both. One hundred and fifty millions of the debt have been paid since General Grant became President, and the internal taxes have been reduced in all more than one-half. Seventy-five millions were taken from the burdens of the people by this last session of Congress. There are but six items of internal taxes left, to wit, spirits, tobacco, banks, incomes, gas, and stamps. Even these have been reduced more than half, and no doubt the economy of the present administration will enable Congress at its next session to repeal the whole, except, perhaps, on whiskey and tobacco.

But while the Republican party, during its nine years of administration, has carried the country successfully through the greatest civil war the world has ever known, while it has converted four millions of down-trodden bondsmen into industrious, peaceful, happy citizens, while it has reconstructed the South and started it out on a new career of righteous prosperity, while it has originated a currency which still in its imperfect state possesses equal value all over the Union and preserves our country from the financial crises to which we were formerly exposed and to which all other countries are still subject, while it has been devising means to raise the credit of the government and relieve the people of taxes, while it has been protecting home labor and building up home manufactures, by a proper system of duties on imports, it has also found time to look after all the great interests of the country, and to originate other reformatory legislation not strictly of a party character. The last war with Great Britain was fought to maintain the right of expatriation. But when the war closed the question was left unsettled. Great Britain still held, as did all the other European powers,

that a person born upon their soil continued to owe allegiance to the native country, although he might have become a citizen of the United States. We have lately concluded treaties with all these nations, in which they concede the right of expatriation. Our adopted citizens can now travel abroad without danger of being held liable to military duty in the Fatherland. The election of United States Senators has always been a source of strife and fraud. Under the old system of choosing, whenever the two branches of the Legislature differed in political opinion, or about the merits of candidates, the minority would refuse to enter into joint convention, and thus indefinitely postpone an election. All this has been remedied by act of Congress, the constitutionality and propriety of which nobody doubts. A bill has passed both Houses, though it has not yet become a law, providing for Congressional elections on the same day all over the Union. We have already a similar law for the election of President. The States will soon conform their election to this law, and thus the system of colonizing voters will be broken up. Constructive mileage, an old abuse, has been abolished, and the franking privilege, a kindred abuse, has received a black eye in the House, and cannot long survive its twin relic of petty plunder. We have provided that the honest but unfortunate debtor shall not forever be subject to the exactions of creditors, and that the landless emigrant to the West may take one hundred and sixty acres from Uncle Sam's great farm without money and without price.

These, he remarked, were only specimens of the progressive and reformatory legislation inaugurated by the Republican party which occurred to him as he spoke. There was much more of a kindred character.

SPEECH

ON A BILL TO REVISE RELATIVE RANK IN THE NAVY.

Delivered in the House of Representatives, January 24, 1871.

MR. SPEAKER,—I feel constrained to vote against this bill, but not because I undervalue the officers whom it attempts to grade. It undertakes to create ranks and titles of mere honor, entirely independent of and separate from the duties of the officers who bear them. I cannot bring my mind to approve the principle. It seems to me to be repugnant not only to the spirit of the Constitution but to the underlying theory of republican government. I will endeavor to explain the purpose and operation of the bill.

The duties of the navy are separated into various departments. The officers who perform the duties of each department are called a corps, and each corps has a name significant of its duties. The officers who command ships are called the line corps, the officers who take charge of sanitary affairs are called the medical corps, the officers who purchase supplies and pay the men are called the pay corps, and officers who take charge of the steam machinery are called the engineer corps, and so on. The duties of each department are again subdivided and classified according to the supposed amount of experience, skill, and ability required to perform them.

Each of these classifications of duties has also an appropriate name. That name becomes the title of the officer who performs them. So when you hear the title of a naval officer

you know at once not only to what department or corps he belongs, but also what class of duties he performs in that corps. When an officer has the title of captain, you know he belongs to the line corps and commands a second-class ship. When of commander, you know he belongs to the same corps, but commands a third-class ship. As we have quite a number of ships of the second and third classes, we must have at least an equal number of captains and commanders to take charge of them. These several captains constitute the row, line, or rank of captains. The several commanders constitute the row, line, or rank of commanders, and so on. When an officer has the title of chief engineer, you know in the same way to what corps he belongs and what class of duties he performs in the corps. And as the service requires many chief engineers, they constitute the rank for that class of duties. The same may be said of every other corps. Each corps, therefore, has its own ranks. The title which an officer bears indicates and defines his duties as much as that of sheriff or prothonotary in the civil service. It is given to him for that purpose, and that alone. It was not designed to be, and is not in any sense, a title of honor. It may be honorable, because the good behavior of the men who have borne it have made it so, but the law gives it no such quality. It is a title of utility, of necessity, of definition, only.

But, in addition to these ranks or titles, another rank or *quasi* rank, has crept into the service. It is called relative or assimilated rank. It does not designate duties, nor impose responsibility, nor limit authority, like the other. It deals in honor only. It undertakes to compare the several offices or classification of duties in the several corps, and declare the relative degree of importance that should attach to each. It undertakes to say that a chief engineer shall be esteemed in law as of as much consequence as a surgeon, and that both shall stand as high in the scale of honor as a commander in

the line corps. Let me illustrate by a comparison with the civil service. The United States judiciary consists of a chief justice, justices of the Supreme Court, circuit judges, district judges, and commissioners. We will call it the line corps of the civil service. Now, if we were to compare the legislative branch with the judiciary, and institute degrees of honor as we have already done in the navy, we would begin by enacting that the President of the Senate and the Speaker of the House should be esteemed of as much importance as the chief justice, or, in naval language, should rank with the chief justice; that Senators should rank with justices of the Supreme Court, Representatives with circuit judges, the chief clerks with district judges, and the executive officers with commissioners. Absurd as this would be, we have, nevertheless, enacted just such a law for the navy, for just that purpose and no other.

I know the advocates of this law are ashamed to defend its real and only purpose, and endeavor to show that it is partly based upon convenience. It is said that it assists an officer if summoned to a court-martial or to a funeral to find his proper place on the bench or in the procession. But that is merely an excuse. They can take their seats upon the bench in the order in which they are named in the commission, and the marshal can tell them where to fall in at a funeral. Besides, it is a consolation to know that if they should happen to get a little too far forward or too far behind it would be of no sort of consequence either to the country or the corpse. It is also said, as an excuse, that they have this rank in foreign navies. That is true; but the whole government, civil as well as military, and the whole structure of society there, are based upon ranks of honor. They may be suitable in an aristocracy, but they are an anomaly in a republic. And to the credit of the representatives of a plain, untitled people, be it said that this honorary rank never had its origin in Congress. It crept into

the service through the Department, and its legalization slipped through Congress almost unobserved. But the law is there. I am not now proposing to repeal it. It is anti-republican, but let it go.

But what is the matter now? Why have we another long bill upon that subject? What now is wanted? Two things.

First, a revision and readjustment of these degrees of honor. The creation of these honorary ranks did not give as much happiness to the navy as was expected. It produced only jealousy and strife. Nobody was satisfied with the estimate put upon him by the law except those who stood at the top. Even they could not look down upon their envious inferiors with as much serenity as might have been expected. It only made them the subjects of criticisms. Those who were not included at all in this honorary classification of course felt neglected and dissatisfied. It was not long before a revision was asked for and undertaken, and then another and another; but each modification only increased the dissatisfaction. This bill proposes another revision. Its friends imagine they have found at last the exact measure of honor. They attempt to give to each officer his *quantum meruit* of that ethereal element, and hope thus to smooth the wrinkled brow of naval discontent. The hope, I fear, is vain. For the sake of the argument, I will admit that the proposed readjustment is all right, as perfect as perfect can be. I am not now criticising the justness of this distribution of honor, but the folly of any distribution at all. But I suppose the equity of the distribution is not above criticism, because the committee was as equally divided upon it as a committee with odd numbers ever can be. Five out of the eleven condemned it.

Second, the bill proposes to change the character of these honorary degrees from relative to positive rank. What is the difference? I have frequently asked this question of those

who urge the change, but no satisfactory answer is ever given. "Does it impose additional duties," I have inquired. The answer is, "No, sir." "Does it confer any additional privileges?" "No, sir." Why, then, make the change? Because they tell us "the relative rank does not secure us the attention inside or outside the navy we expected and deserved. People say 'we are not real captains after all, only relative,' or 'we are only engineer captains, or paymaster captains, or doctor captains.'" Quite likely people say so because it is so. People seek the real captain of the ship because he commands it. You cannot secure this attention to the doctor or paymaster on the ship unless you clothe him with the same power.

Mr. Speaker, mark first what the law is now and then what the complaint of it is. The law now says that a doctor, engineer, and paymaster having certain corps rank shall be as much esteemed on the ship as the captain; that is, their corps rank shall be deemed as high, relatively, as the corps rank of the captain; or, to use the language of the law, shall rank with the captain. What is the complaint? Why, that they do not find themselves of as much consequence, do not receive as much attention, are not as much sought as the captain. The law is explicit enough, but nobody seems to agree with it. Nobody runs after the doctor unless he is sick; nobody after the paymaster unless he has a bill; but everybody runs after the captain. Why is it? Because the duties and powers of the captain connect him with every interest and every person on board ship; everybody runs to him; everybody is respectful to him, because everybody has business with him, and he has power over everybody, and not because he is held abstractly in any higher esteem than others. I suppose, Mr. Speaker, you were entitled to just as much esteem in the last Congress as in this, and still you are now the object of much more attention than you were then. Why? Simply because

your present position gives you much more knowledge of the business of the House and much more control over it than you had then. Were the most unpopular member of the House to take your place we would be compelled to seek him as we do you, and very likely would exhibit more respect than we really felt. If these gentlemen do not receive attention in proportion to their relative rank, what is the remedy? There is but one remedy that amounts to anything, and that is to enlarge their powers and duties. The framers or advisers of this bill have been wise enough to see that and to provide for it, but quite too modest to acknowledge their wisdom. Therefore, when you inquire in what respect positive rank is better than relative, you get no answer that conveys a clear idea.

Let us, then, look to the bill itself. By distinct enactment it places staff officers in the ranks of line officers. That imposes upon them all the duties and confers all the powers and privileges that belong to the rank, except so far as the same bill imposes limitations. It first invests these officers with all the powers and duties of the line, and then recalls some of them by exceptions and limitations. To learn, then, what is conferred we must first see what is withheld. All else is conferred. Nobody, I think, will deny that this is the proper construction. The bill itself acknowledges it by going on to make the limitations and by abrogating all existing laws that might conflict with it. What, then, are the limitations or exceptions? Three in all. They cannot, by virtue of this rank, exercise command or authority in the line of the navy, nor claim additional quarters nor additional pay. What is left? It may be hard to tell exactly what is left; but certainly three important things: uniform, title, and exemption from all obedience to the commanding officer, unless such officer happens to be senior in rank. The ninth section expressly says that his authority in his own corps (and he has no duties

anywhere else) shall be commensurate with his honorary rank.

Now, sir, put a paymaster, a surgeon, an engineer, a chaplain, and a professor of mathematics, all with the rank of captain, on board a third-class ship, in charge of a commander, or on a second-class ship in charge of a captain junior by a few days to the other captains. You have then six captains on board, each with a captain's dress and a captain's title, but neither of them having any authority over the others except to keep them out of his bailiwick. The captain of the ship cannot give an order to the captain in the engine-room, because the engineer is his senior in rank ; and by this bill each officer has power in his own corps according to honorary rank. He cannot order the sick-bay to be put in order for battle, because an outranking doctor captain commands there. He cannot order his captain-paymaster to purchase supplies, nor his captain-chaplain to bury the dead, for the same reason. Again, sir, the identity of uniform and title is not as insignificant as might at first appear. The uniform is given that everybody may readily know who is authorized to do certain business or assume certain authority, and the title only names or indicates certain duties. Giving the same title and the same dress to officers who perform duties entirely unlike of course destroys the whole purpose of it. Both become a mere matter of ornament and pride, and not a useful designation. In order to operate a ship the six captains must meet in convention, and resolve what shall be done. Confusion, strife, distracted councils, and, finally, the prostration of all naval discipline, is sure to follow.

This is all I wish to say about the general purpose of the bill. Now a word or two about its details. A few minutes ago I admitted, for the sake of the argument, that the proposed distribution of honor was equitable and just ; but, with all deference to the profound learning of the committee in

this regard, I still have my fears that it is not so. Take a single example : the bill fixes the rank of clerks for the higher grades of officers. Who are these clerks? Young men, inexperienced in all the affairs of life, particularly of naval life. They are usually the relatives or dependents of the officers who select them. Their business is to write the letters of the admirals and commodores. These clerks are clothed in this bill with the uniform and high-sounding titles of captains and commanders. It says that the honor of writing letters for an admiral is equal to all the glory that an old captain has gained by thirty years of hardship, deprivations, experience, and hazard of health and life in carrying your flag to the ends of the earth, or bravely defending it in battle. Take another example : all officers whose duty in any degree partakes of manual labor are carefully excluded from these ranks of honor. Honor stops abashed when it comes to ungloved hands. All the warrant officers, the master-mechanics, and quartermasters are omitted. These classes embrace great moral and intellectual worth. Take as a sample the ship-carpenter. His trade is almost equal to a profession. Its acquisition requires many years of preparation, study, and practice. Very often, in times of great disaster, he is the most important man on the ship. When the keel is rent, the mast and rudder carried away by the storm, his skill, his experience, and his genius often save the ship. He mends the broken hull, invents a rudder, and contrives a spar. Besides, he is also a gentleman. Who ever saw a vulgar carpenter? Low habits are always the offspring of idleness. A laboring man is always a gentleman. If we must have these grades of honor, why should these cultivated and gentlemanly mechanics be entirely ignored? “ Perhaps they were overlooked !” No, sir ; a committee of these mechanics appeared before us to urge their claims. Doctors, engineers, paymasters, chaplains, professors, captains,—everybody from

every corps,—came to see us about this question, and I can say with truth no class exhibited greater moral and intellectual worth, so far as appearances go, than the representatives of the mechanics. But their hands were hard, and they were rejected. These are only specimen errors in the distribution. I do not wish to follow them further, because I do not wish my argument against the main purpose of the bill, to wit, the creation of ranks of honor, should be confounded with a criticism upon its details.

In defence of this bill it is said that line officers have secured for themselves these honorary ranks, and this is only an enlargement of them so as to include the staff. I deny it. It is not true that line officers have honorary titles or ranks, nor, so far as I know, do they ask for any. Their duties are classified and called, as I have explained already, by appropriate names, which names become the titles of the officers who perform the duties. But these are titles or names of duties in their corps, not of honors. Every other corps has a similar classification of duties, with titles equally appropriate; nor do line officers, so far as I know, object to the bestowal of honorary titles upon officers of other corps. They are, however, opposed to taking titles which indicate duty in one corps as the titles of honor for other corps. They are opposed to giving an engineer the honorary title of surgeon, or a surgeon the honorary title of commander, or a commander the honorary title of chaplain. They say, with great propriety, that if all naval officers are to be graded according to honor, it should be done by a new classification and an independent set of titles. I suppose a numerical classification would answer the purpose. The officers deemed the most honorable could be of the first class, those next in honor of the second class, and so on. Or if this seems too commonplace the titles of English nobility are at your service. You could enact that a captain, a medical director, a pay director, a chief engineer, shall have the rank of

marquis ; that a commander, a medical inspector, a pay inspector, and an engineer shall have the rank of earl ; and so on. This would have two advantages over the titles proposed in this bill. First, it would avoid the confusion occasioned by using the same titles to indicate duties to one corps and honors to another. Second, the officers of the army could be graded into it also ; and when we have progressed a little further in this direction the importance of all civil officers could be weighed in the same scales. We would thus have one standard and system for the measurement and distribution of glory all around the republic.

It is further said that in the army the doctors and paymasters have this honorary rank. That is so. The officer at the head of the medical department of the army is called the surgeon-general to indicate his duties, and a brigadier-general to indicate his relative importance. The duties of these two officers are entirely unlike. The one superintends the medical department, the other commands a brigade. The surgeon knows nothing about the brigade, and the brigadier nothing about surgery. So far as the one takes the title or uniform of the other, it is a misnomer and a disguise. Surgeon-general is a very honorable title. We associate with it not only general culture and refinement, but great learning and experience in a profession whose business it is to assuage human pain and lengthen human life. Suppose a brigadier-general, desirous of associating with his fame the learning and refinement of the surgeon, should ask you to make him a surgeon-general by honor, you would laugh at him. And is it less ridiculous for the surgeon-general to ask to be made a brigadier by honor ? The precedent of honorary rank in the army should be reformed rather than followed.

I fall behind no one in my appreciation of the professional attainments and responsible duties of the naval officers who are improperly grouped together under the name of "staff

officers." If they are not now properly cared for I will do what I can to improve their condition. If their pay is too small let us raise it. If their quarters on board ship are uncomfortable let us improve them. If they need a boat and detail of oarsmen let us provide it. Let them make known their real wants, and let us provide for them. This bill sells out every substantial good. It abandons pay, authority, and quarters for an unconstitutional and anti-republican gewgaw.

SPEECH

ON THE AMNESTY BILL.

Delivered in the House of Representatives, January 28, 1871.

THE SPEAKER.—The gentleman from New York [Mr. Mayham] is entitled to the floor.

MR. MAYHAM.—I will yield for a few minutes to the gentleman from Pennsylvania [Mr. Scofield].

MR. SCOFIELD.—Mr. Speaker, this is a bill to authorize certain leaders of the late rebellion to hold office. All the other leaders and all the rank and file have that privilege already. A small number, understood to be the contrivers of as well as actors in the revolt, are excluded by the fourteenth amendment from places of trust. The exclusion covers only those who were guilty not only of the crime of treason but of that meaner crime,—false swearing and betrayal. They are not, however, by virtue of any Federal law, excluded from the franchise. The national government does not withhold the ballot from a single rebel, high or low. It permits them all to vote. In other countries such leaders would have been beheaded. Our fathers banished the Tories and forfeited their estates. We all believe this rebellion was causeless; we all know how many precious lives it cost us; we all know how much treasure it consumed; we all know how many hearts ache to-day by its bereavements; yet the government has not avenged itself with the life of a single criminal. None are

banished, none are under bonds. All can vote, nearly all can hold office; a few cannot; a very few compared to the whole number. As near as I can make out it is about one in one hundred of those who participated in the war against the government.

The impression has gone out that some penalties are imposed, that some of these offenders are still in danger of death or imprisonment or loss of property, at least that some are not allowed to vote, and that none can hold office. All this is error. Neither the Constitution nor laws of the United States impose any penalties, disabilities, or restrictions of any kind whatever upon the authors of our great national sorrows except to exclude a few of the worst from office. This bill proposes to remove that slight restriction. It proposes to put those who attempted to destroy the country upon an equal footing in all respects with those who risked their lives to save it. It proposes to put patriotism and treason on a common level; to make patriots and traitors equal before the law. The public judgment may make a difference, but the law is to furnish no censure for the one and no approval for the other. I am not now speaking against the proposed amnesty. I am only describing it. I do not want the House to forget, nor the country to forget, that all the actors in the rebellion already have all the privileges of the republic, except that a few leaders cannot hold office, and that this bill does away with that restriction. I do not think the advocates of amnesty, in Congress or out of it, have been very particular to let the people know how little there is left upon which it can act. They have not been particular to tell the people that its whole and only purpose is to enable the leaders to hold office. They are not particular now to tell them that this bill is an invitation to these leaders to come back to Congress and to the control of States.

Now, before we remove this restriction, before we give this

invitation, we ought to consider its original purpose. What was that purpose? Not punishment certainly. No new provision was necessary for that. By pre-existing law, not only these leaders but all their followers were exposed to the gallows or, by commutation, to imprisonment, banishment, and forfeiture. The purpose of the exclusion was safety, nothing else. We forgave the crime at once, and legislated only for the future safety of the republic. There was a time in our history, not very remote, when the words "indemnity for the past and security for the future" controlled the action of the then dominant party. We exacted from the Confederates no indemnity for the past, but made this slight restriction as security for the future. Security against what? it is asked. Do you fear a second rebellion? No, sir, I do not. Security against legislation in the interest of the Confederacy and against the republic. The Confederacy had four years of nationality. Great interests and powerful passions grew up in the mean while. Their currency, their bonds, their obligations to maimed soldiery, orphanage, widowhood, their military history and personal fame, and their vast claims for damages, were all antagonistical to the corresponding interests of the United States. Had these leaders come immediately back to Congress and assumed control of the Confederate States, the question would have been whether their debts or ours should be paid, whether their soldiers or ours should have pensions, whether their currency or ours should pay debts, whether their generals or ours should be honored, whether the colored people should be citizens or slaves. The result would have been a division of these interests and a compromise of principle. The future historian would have been puzzled to know which were the victors in the long struggle. To secure the republic against such a result this restriction was adopted.

What reasons are assigned for its abrogation? I have listened to most of the debate, and hunted through all the

rhetoric of the globe for an answer. Only two reasons are given in all this eloquent talk. First, it irritates the rebel leaders ; and, second, Congress is peddling out this relief by the small. A word as to the first reason. Admitting that it is a cruel thing to irritate these great offenders, I ask for the evidence that they are irritated. They have not so informed Congress ; they have asked for no relief ; or if any of them have, the prayer has been promptly granted. If they are irritated let them inform us, and not leave it for their friends here to get at it by a process of reasoning. I think their friends here are more interested in their behalf than they are for themselves. At all events we have no evidence beyond the assertion of members that the rebel chiefs are irritated. It will be time enough to soothe them when that fact is authoritatively made known.

But to the second reason, the charge of peddling. From time to time Congress has removed the restriction as to certain persons. This is discrimination, a wise discrimination, I think. But the advocates of universal amnesty call it "peddling ;" and having given it a belittling name, continually repeat it as an argument. When a governor pardons an offender for exceptional reasons nobody calls it peddling out clemency, and nobody scolds because he does not pardon everybody at once. We have already in this way removed the restriction from several thousand persons. Not a single person who has asked it has been denied. These two reasons are too insignificant for serious consideration ; and yet it is all the argument given us.

Mr. Speaker, I was one with you and others still left in Congress who helped to erect this barrier against the domination of Confederate interests in the Southern States and at this capitol. I am not yet prepared to tear it down. France laid the foundation of another revolution when she recalled her Bourbon rulers. I am not yet prepared to follow this unwise

example. Gentlemen talk of conciliation, forgiveness, magnanimity, clemency ! Sir, we have exhausted all these sentiments in our treatment of the country's enemies. Weakness, folly, cowardice, self-destruction, are more fitting words for the action proposed.

SPEECH

ON THE BILL TO AMEND THE SEVERAL ACTS PROVIDING A
NATIONAL CURRENCY, AND TO ESTABLISH FREE BANKING.

Delivered in the House of Representatives, May 19, 1874.

MR. SPEAKER,—In order to provide a proper remedy, if remedy is possible, for the business depression of the country, we should first endeavor to ascertain its cause. If we cannot agree as to what the cause is, we possibly may as to what it is not.

It certainly is not because of any scarcity. We have about as much food and clothing in the country in proportion to population as we ever had. We not only have more dwelling-houses, but more furniture and comforts in them than ever before. We have more and grander public edifices and business houses, more schools, school-buildings, churches, and libraries, than ever before. Not only so, but within a few years the whole country has been very much developed by the opening of rivers and harbors, building of railroads, tunnels, bridges, and highways, and by the construction of every kind of city and village improvement, whereby the whole country is rendered more habitable and all our material wants better supplied than ever before. As Republicans we have been accustomed to boast, and with great truth, that the country was never so progressive, nor the people better clothed, fed, housed, and warmed than under the administration of General Grant.

But in the midst of all this prosperity and progress a great many manufactories that had been running night and day to supply this large demand for consumption have suspended, and their laborers, clerks, and superintendents are left without employment. Why have they suspended? Have they been running at a loss? Oh, no. On the contrary, they have been making very large profits. The owners, as a general thing, are very rich, as they well deserve to be for their skill and enterprise. Why, then, do they not go on with business? Because consumption has suddenly fallen off. They cannot sell even their present stock. If they could sell their stock now on hand, and see a reasonable market for the future, they would revive at once. They need somebody to buy their productions. In other words, they want consumers. For the last five years there has been no such lack. All the old establishments and many new ones have been in full operation, and even then could scarcely keep up with the demand for all this construction, comfort, and luxury into which their products were turned. But this year consumption has fallen off very largely and very suddenly, especially of iron, lumber, and all articles of luxury.

Why is this? Why do not the people buy as heretofore? Where have the consumers disappeared? They have not been swept away by pestilence or war. Our population has not decreased. They have the same property, though not always of the same nominal value nor always in the same man's hands, but they have the same houses, lands, and chattels which they had last year; but somehow or other they have no stomach for consumption. If Congress could only give them an appetite, induce them to buy the coal, iron, lumber, oil, carriages, furniture, and the various luxurious fabrics now ever seeking a market, all these workshops would again be busy. Why, then, do they not buy? Why do they not consume?

“Because,” we are told, “they have no currency with which to make the trade.” “There is not currency enough in the country to do the business.” The manufacturers are on hand, as we know, with their products to sell, and the former consumers are on hand, and as it is alleged with capital to buy; but the trade cannot be made because, it is said, there is no currency, no bills, no medium by which the transfer can be effected. The suggestion that the consumers, that is the people, do not want to buy; that many of them have no capital with which to buy; and that all have come to the conclusion that they cannot afford to buy, is set aside as too absurd for consideration. There is nothing in the way, they insist, but a lack of currency. Now, if that is so, how did they manage to do so much business for the last five years? During that time the volume of currency has not materially changed. The three-per-cent. certificates were redeemed, but the fifty-odd millions of bank-notes much more than supplied their place. Besides, we have added within a year twenty-six millions of greenbacks to the circulation. So that on the whole the currency has been considerably enlarged. We now have in all seven hundred and eighty-two million dollars, about four times the amount of paper currency before the war. This currency has not only been sufficient during all these five years to do the business of the country well, but by its redundancy to aid the vast inflation of commercial credit. Now, where has all this currency gone? It must be conceded on all hands that it was abundant for the large business we have been doing, and certainly, if we can find it and use it, it will be superabundant for the small business we are doing now. It is not in the Treasury. These vaults are uncommonly empty. Where is it?

Gentlemen see the necessity of answering this question. They cannot deny that we have had enough to do the business heretofore, and that we have a little more now than we had

then. They see that these two facts, these two admissions, refute their allegation that trade has been suspended from lack of currency, unless they can show that it is destroyed or placed beyond our reach. Driven to this extremity, they gravely tell us that the freedmen have absorbed it! absorbed seven hundred and eighty-two millions, or a good part of it. But while we are wondering at the amazing thrift of these poor people and their extraordinary power of sudden absorption, Representatives of the South arise and demonstrate that there is very little currency in that section of the country, either among the whites or blacks. They complain that the North and East have monopolized it all, and demand legislation whereby they can secure their share.

Then, again, it is said that the currency has been hid away in old stockings all over the country. Seven hundred and eighty-two millions or a good part thereof—four times more than belonged to the whole country before the war—hid away in stockings! But this theory is scarcely advanced before up rise a dozen gentlemen on the same side of the main question, and attempt to demonstrate that this class of alleged hoarders are very poor, out of employment, out of money, and out of stockings, and give this as an argument in favor of printing more money.

Then it is said that it has all gone to Wall Street. Money goes to New York, to be sure, and so do men, and both on the same errand. Men go to transact business there and return to transact business at home. Money goes and returns for the same purpose. It has respect to trade only and not to places. Leave it free, and no place can long retain more than the amount which its relative business requires.

Finally, when the freedmen, stocking-hoarding, and Wall Street stories are exploded, it is alleged that the currency is hoarded by banks and other money-lenders. What a contradiction of assertions! Hoarders never lend, and lenders can-

not afford to hoard. That much of the currency lies in the vaults of banks and other money centres is doubtless true, but that it is hoarded there is absurd. To lend money is the business of a bank, and if it does not do it no dividends are earned. The money is in the banks because there is little for it to do outside. It is the sure evidence of plethora. There is but little trading going on. Producers want to sell, but consumers will not buy, and, there being but little demand for a medium of exchange, it finds its way to the banks and lies there idle. Hoarding by banks and money-lenders is about as absurd as the negro and stocking-hoarding stories. You might as well expect a man in the livery business would fill his stable with horses and carriages and refuse to hire them to responsible people; or that an innkeeper would furnish and stock his house, supply it with clerks and attendants, and then close his doors to his guests. While it is plain that the producer is on hand with his unsold stock, and the consumers are on hand to buy if they had the disposition and capital, the currency that used to be employed to make the transfer is also on hand awaiting the revival of trade.

When trade ceased, money became idle and was laid up in vaults. The idleness of the money did not cause the cessation of trade, but was the result of it. You might as well say that the workman who is idle because he has nothing to do is hoarded as to say that the currency which lies in vaults because there is no business to employ it is hoarded. The fact is that the mill, the workman, and the currency are all standing idle because there is nobody to buy and consume their products. We know where the mill is, where the workman is, and where the currency is. There is no hiding nor hoarding of either. They are all ready to go to work to perform their several duties in production so soon as reliable consumers will agree to purchase.

But suppose the currency has all disappeared in some or all

of these several ways ; consider your remedy. You propose to print, say, one hundred millions more ; would not that go where the seven hundred and eighty-two millions went ? How can you stop it ? “ Keep on printing,” we are told. That is pouring water in a sieve.

Again, it is asserted by those who think this falling off in consumption is caused by a deficiency in the currency that a certain amount of currency per head is at all times required to do the business of the country, and that we have not at this time that “ certain amount.” If this “ per-head” theory were true, it would not help the argument ; for whether we have more or less than that certain amount, we now have as much as we had during the period of the greatest consumption, so that the falling off in consumption could not be attributed to a deficiency of currency. Gentlemen who believe this theory have been trying to ascertain what that requisite certain amount is. Some fix it at fifteen dollars per head, some at twenty, and others at twenty-five. One gentleman, drawing a fine sight upon it, demonstrated that we needed exactly nineteen dollars thirty-nine cents and four and one-fourth mills for every man, woman, and child within our borders. If Congress would print just that amount, buying and consuming, he thought, would again revive. No wonder that no two of these specific-amount theorists can agree. Their error lies in the supposition that there is or can be any such specific amount. Its advocates forget that, other things being equal, prices rise as the quality of the currency is depreciated by its enlarged quantity. So that as soon as business becomes settled upon the new basis the increased amount of currency will go no further in trade than did the smaller amount on the old scale of prices. If we would convert, by law, every one-dollar note, as has been proposed, into five dollars, and raise all other denominations in the same proportion, as soon as existing contracts were satisfied and prices adjusted to the change, your

new five would buy no more than it did when it was called one, and of course could do no more business. It cannot be true, then, that a specific amount is required. The business could be done equally well by a large or small amount. The suffering comes from a change in either direction. By changing the volume of the currency you change prices, and by changing prices you change the wealth of individuals. One class gains and another loses. The losers are the dull, earning, and saving class; the gainers, the sharp, speculative, money-making class, who alone anticipate the coming change, and bargain, buy, and sell accordingly.

But if further evidence is required to prove that the diminished consumption is not caused by insufficient currency, let the doubter compare the present amount of paper money with the amount existing before the war. Prior to that time the average amount of paper money was less than two hundred millions, and it ran but a little above these figures even during the great inflation of 1857. Now, it is seven hundred and eighty-two millions. Besides this, the entire business of three or four States is done with coin, or bank-notes redeemable in coin. The interest due from the United States, from many of the several States, and from divers railroads and other corporations, is paid with coin. The customs are collected in coin, and a large portion of private exchanges effected through the same medium. We have about four times as much paper money now as we had then; besides the vast increase of national, State, and corporate indebtedness which is more or less used for large transactions. After making all possible allowance for increased business, you still have surplus currency enough to more than double prices. I conclude, therefore, that the motive which induced people to stop buying, all at once, did not originate in the currency, and we must look for it elsewhere.

Again, it is said that the market was glutted by overpro-

duction. That is hardly a correct statement of the case. Diminished consumption rather than increased production glutted the market and stopped the mills. For many years the production has been very large, but consumption has been equal to it. In fact, the large demand coaxed the mills into operation, and when that demand suddenly fell off a portion of the workshops were compelled to stop, or run at a heavy loss.

We come back to the unanswered question, Why did consumption fall off so suddenly? Because a large part of all this buying, constructing, building, and furnishing had been done upon credit, and some of the great bankers, numerous country investors, merchants, and manufacturers, who had been furnishing the credit, broke down, or became unable or unwilling to advance any more. Loanable capital was exhausted, but the currency was not diminished. When credit gave out, economy came in, and the buying, constructing, building, and furnishing were at once suspended.

A little review of what has been passing around us will show how credit came to be sought, how obtained, and how exhausted. During all these years of prosperity a great many people had been living beyond their means. Contrast the style of living before and since the war, and you find careful earning and frugality on the one side, and extravagance and prodigality on the other. It is said that our resources kept pace with expenditure, and that our increased consumption no more than equalled our increased wealth. I know we thought so, and it was that belief that begat the extravagance which in turn begat the present trouble. Each person knew that he was not laboring any harder, nor laying by in purchasing power any more surplus, and that his items of property were about the same, and still he imagined that he was worth and could afford to spend a great deal more. The bulk of his estate was the same, the articles that composed it the same, the income from it the same in purchasing power, but in the

inventory the figures were gloriously enlarged. With such an unexpected addition to his wealth, why should he not borrow a little money with which to enlarge his house, renew his furniture, and spend a few months abroad or at the springs? He thought, as many gentlemen here argue, that a dollar was a dollar, whether made of gold, leather, or paper, or whether it would buy a day's boarding or be all used up on a single breakfast. The owner of a small house worth a couple of thousand dollars found in the course of a few years that its nominal value had run up to five or six thousand dollars, and very naturally concluded that, by a shrewd investment, he had tripled his estate. In this delusion he enlarged his expenses to correspond. His money-lending neighbor took the same view of it, and loaned him money on the inflated prices. And in this way delusion was discounted, drawn upon, and mortgaged all over the land. We went on borrowing, buying, and consuming so rapidly that production could hardly keep up with the demand.

In the same way cities and villages, believing that their wealth had quadrupled and, in spite of the very accurate census which nobody would credit, that their population had doubled, and discounting corresponding growth for the future, borrowed money and entered upon improvements, very convenient and useful in themselves, but far in advance of the real ability of the people. The same misconception of the growth and wants of commerce induced railroad men to believe, or enabled them to make other people believe, that large travel could be had where nobody lived and heavy freights where nothing was grown. Hundreds of these premature and at present non-paying enterprises were undertaken, and their construction furnished a market for labor, coal, iron, lumber, locomotives, cars, machinery, and tools of every kind. But all these improvements were made very largely upon credit. Municipal and railroad bonds floated like golden

clouds all over the country, and the small surplus of every neighborhood as well as the small savings of the people in the banks were absorbed in these uncertain securities. So that while we really possessed all the improvements, comforts, and luxuries of which we had been accustomed to boast, they had yet in good part to be paid for from future earnings and savings.

We came to a realization of this ugly fact very suddenly. And we came to notice another ugly fact quite as suddenly, and that was that our property had not increased in value near as much as we had supposed, and that the apparent increase was largely owing to a depreciation in the standard of measurement. Unconsciously by that standard everything had been watered, inflated, or duplicated. The failure of a single firm opened our eyes, and we saw the mistake in our estimates, our expenditures, and our investments as plainly as if a streak of lightning had scrolled "Delusion" on the sky. Of course, we stopped constructing, building, buying, and furnishing at once. And now very few people are willing to buy, while a great many people are anxious to sell.

Congress is expected to persuade somebody to buy what somebody else offers for sale. That "revives trade;" that "starts business;" that "relieves the country." "Give us buyers," is the prayer of the manufacturers, producers, and venders, burdened with last year's stock or last speculation. I earnestly wish we could answer that prayer by furnishing purchasers for the surplus productions of those deserving manufacturers. Then they could manufacture more and thus give employment to the laboring people. But consumers say they have already bought too much, more than they could well afford to do; that they are somewhat in debt for what they have already consumed, and therefore they must economize and buy less until they catch up. The thoughtful manufacturer sees the situation and the helplessness of Congress in

the premises and reduces his production, slowly and cautiously, to protect as far as possible his employés. I trust they may not have long to wait. Consumption by the economy and growth of the country will soon come up to its former demand, and then manufacturing will be as lively as ever.

But there is another class of venders less reasonable and less deserving. They are speculators who have been caught with corner lots, city additions, land-grabs, timber monopolies, coal lands without coal, oil lands without oil, gold mines without gold, with railroad charters and paper towns, and with bonds and stocks in everything uncreated. They will tell you that if confidence had only held up for a day or a week or a month longer, they would have had their cash in hand, and then a great many confiding and honest people would have been caught in the crash instead of themselves. As it is, they have left many victims all over the land. These gentlemen, with an audacity that characterizes their calling, assume to be the people, and in their name keep up a steady "ding-dong" for the "restoration of confidence," and confidence they allege can only be restored by watering the currency.

Free banking, with a proper retirement of discredited paper, is in the line of correct financial principles and ought to be agreed to; but "expansion" pure and simple will impair rather than restore confidence in the honor of the government and the stability of prices. It is at best a temporary remedy that must be yearly renewed and enlarged until we shall be overtaken with repudiation and national disgrace, to be followed possibly by revolution or disunion.

What do they mean by "restoring confidence"? Confidence in what? Confidence that a man has enlarged his wealth because it is valued by a lower standard, and that therefore he can afford to borrow, expend, and live extravagantly? Confidence that watered stocks and premature improvements are good investments for the hard earnings of the

people, or a good bank collateral for a sixty-day note? Confidence that the wealth and population of your town is double what the census made it, and that it will again double in two or three years, and therefore you can afford to issue bonds, project extensive improvements, and convert farms into city additions?

This would rather be the restoration of the credulity, the delusion which is the cause of all our trouble. Who would be benefited by such a revival? It might enable one class of citizens to work off their unsuccessful enterprises, their unsalable property and bad speculations upon their neighbors, but those neighbors would be less able to bear the misfortune than those upon whom it originally fell. But you cannot revive "confidence" suddenly, even by order of Congress. You may shorten the measure so as to duplicate distance, but the deception in this day of inquiry will be suspected. Tell a prudent man, accustomed to keep a little surplus for emergencies, a pond into which the small accretions of his industry flows, and seeing that surplus half drawn off by the extravagance of the times, shuts down the waste-gate—tell him to open that gate again and go on expending, that Congress will fill the pond by providing that six inches shall make a foot, would he believe you? Would he act upon your advice? The speculator below the gate, hoping to acquire the prudent man's earnings, might listen to you, but the man above would suspect you for a rogue. Grown people no more than children play with fire while the old burn is smarting. I suppose this delusion, miscalled confidence, will come slowly back of itself. It takes time, but it will come. It is periodic like locusts, and epidemic like fanaticisms. In a few years we will again fall under the influence of expanded credit. We will again imagine we are getting rich without additions to our property, and again begin to borrow, expend, and speculate, and call it making money. But for the present the

people will be distrustful, cautious, and frugal, let Congress do what they will.

We ought to learn something of our duty, in this emergency, from past experience. Our condition is not unprecedented. The history of business in this country and the old is full of similar break-downs. They were always preceded by delusive estimates of wealth, and corresponding extravagance both in private and public affairs; which delusion was caused by a wild expansion of commercial credit, aided in the beginning by a redundant paper currency. The collapse was always attributed to fright and panic, while in fact it was only a sudden comprehension of each one's own and his neighbor's condition. To restore confidence by legislation—that is, to blind the people to their real situation, lest they should contract their purchases and thereby lessen trade and discourage production—has always been tried and always failed. Possibly we will try it again; but if so, it will again fail. Our experience will be like the past; we will have a year or two of reduced consumption, of caution, retrenchment, settlement, and dull times. It will be shorter and lighter than in other countries, because we grow more rapidly; shorter and lighter than in 1837, because the expansion of commercial credit and overestimate is less; and shorter and lighter than in 1857, because we have a much safer although an expanded and depreciated currency.

ADDRESS

Delivered on the occasion of laying the corner-stone of the State Hospital for the Insane at Warren, Pennsylvania, September 10, 1874.

AFTER a short address by Governor Hartranft, Mr. Scofield was introduced, and said :

Our work to-day marks a period, a step, in the slow progress of our race. I do not mean that the architecture of the noble edifice whose corner-stone has just been placed by our excellent chief magistrate will indicate such progress. On the contrary, that will be little more than a copy of the old-time original. In that line we have not improved upon the types of long centuries ago. Nor will such indication be found in the carvings, sculpture, and paintings that may adorn its portals and walls ; for in these arts we do not surpass the ancients. Nor does it indicate progress in mental or functional development. While much has been written upon that subject, and many hopeful and flattering theories advanced, it has never been satisfactorily demonstrated that the human form or brain has improved either in size, structure, or quality during the period of which there is reliable history. On the contrary, it is generally conceded that the ancients were equal to the moderns in all physical and mental endowments,—in courage, logic, eloquence, poetry, fine arts, and everything that indicates intellectual strength and culture.

But the progress is shown in the purpose to which the work is dedicated. The civilization of our day demands for the insane commodious hospitals, learned physicians, and gentle

attendants, as against neglect, imprisonments, scourging, chains, and death of former ages. I do not suppose that the natural heart, unaffected by religion or education, beats more sympathetically for human suffering to-day than it did centuries ago ; nor that the brain has undergone any functional change whereby we are less "of the earth, earthy." But we treat insanity with greater tenderness, because we have come to know more of its cause, and the possibility and means of cure. Herein consists our progress. We have become more humane, more civilized, because we have more knowledge. But we have a very imperfect knowledge of the malady even to-day. Theoretic natural truth develops very slowly. We have been able only to dispel some fatal errors into which former generations fell, to arrange a few facts in support of new theories, and to discover and employ some new but only partially successful remedies.

In the olden time the people supposed that evil spirits dwelt around them in the air, clouds, and earth, and that much of the phenomena of the heavens was due to their agency. It was supposed that these spirits had great power over the human race, and that many afflictions resulted from their devilish machinations. They had power, as was supposed, to take possession of men, turn out the natural mind, soul, or spirit, and convert the remaining human machine to their own malevolent purposes. Mental disorders were ascribed in part to these unknown powers, and the person thus afflicted, having become a witch, a demon, a dehumanized being, might properly be subjected to punishment. Again, it was supposed that insanity was caused by the moon, and that lucid intervals were produced by the moon's changes. It was from this delusion that we derive the name by which insanity is designated to this day in the legislation of this country and Great Britain. Even those who took the most rational view of the case supposed the malady originated solely in the

mind, abstracted and disconnected from the body. It was a kind of spiritual disease, and therefore, like the demon and moon theories, beyond the reach of medicine. "Who," they exclaimed, "can minister to a mind diseased?" Even among the learned Egyptians the care of these afflicted people, so far as cared for at all, was handed over to the priests. With such erroneous conceptions of the origin of the trouble, we could not expect proper care and remedy.

Every century has added something to our small stock of knowledge upon these subjects. Science has been able to throw here and there a gleam of light on the vast unknown within, around, and beyond us, and by slow degrees to correct our errors and nearly eradicate from human belief these terrible superstitions. The powers of the air, the strange phenomena of the heavens, and the thunders of the earth came at length to be explained on philosophical principles. It is found that there is no malevolence in the placid moon; no witches, no demons, no independent evil volition anywhere about us; nothing but the one great, unfathomable, beneficent Power to whose unchanging rules all things conform.

Thou art, O God, the life and light
Of all this wondrous world we see;
Its glow by day, its light by night,
Are but reflections caught from Thee.

In the demonstration that insanity is not caused by such supernatural agencies we exhibit some progress. It was no easy work to dispel these terrible illusions, but something more has been accomplished. Considerable has been discovered as to the real causes of the malady. The anatomy of the human body, its wonderful mechanism and subtle chemistry, resulting in life, heat, and motion, in sensation, thought, memory, and affection, has been carefully studied, and the conclusion arrived at, although all students may not concur,

that all mental aberrations, eccentricities, hallucinations, delusions, and ravings that are comprehended under the general name of insanity originate in the malformation or disease of some of the organs with which the mind is directly or indirectly connected. If so, it is, when fully understood, as much the subject of cure as other maladies.

Our increased care of the insane, therefore, is the result, to a considerable extent, of our increased knowledge. For that increase in knowledge, it may be observed in passing, we are indebted to a small number of men, scientific men, closet students, who in their day and generation are rarely appreciated, often ridiculed, sometimes persecuted. They prepare the way by the discovery and revelation of natural truth, and civilization, with its order, charities, and comforts, slowly follows.

Another means by which we have enlarged the knowledge out of which has grown this better humanity is the collection and analyzation of statistics. In this we necessarily have great advantage over the ancients. Not only have we had more centuries in which to make the recorded observations, but modern centuries have witnessed more extensive and accurate collections of facts than their predecessors. We have the light not only of their meagre collections, but also of the fuller records of succeeding generations.

In this way we learn that insanity is a disease of high civilization. It follows schools, markets, stock boards, enterprise, and government as steadily as it shuns barbarism, ignorance, and indolence. So intimately is it allied to education, commerce, and free government that an expert could determine the degree of civilization in a nation by knowing the relative number of insane. Our own vast country presents an illustration, as well as evidence of this truth. In looking over the reports of our different States, we are at once struck with the fact that insanity appears to be least in those States where

education, commerce, and kindred influences have been least, and most where they have been greatest. It is not pleasant to particularize on localities, but the same fact is shown in the progress of the whole country. According to the several census reports, we had in 1850 only one insane person to every fifteen hundred inhabitants; in 1860, one for every thirteen hundred, and in 1870 one for every thousand. Thus it appears that the increase has been as steady as our progress. It may be some consolation to remember that in idiocy the rule is reversed. That infirmity diminishes as civilization increases, so that the balance of misfortune remains nearly the same. As we advance we have more madmen but fewer fools. There is another encouraging fact that should be stated here. While it is shown that insanity increases as the world advances, it is also shown that the increase is not the necessary accompaniment of the advance. While it is doubtless true that much of this increase is owing to increased mental activity, modern investigation has been able to trace a large part of it to the unnecessary vices of civilization. I will not now name all of these vices. One may illustrate the whole. It is satisfactorily shown that intemperance, either in the ancestor or the victim, produces more insanity than any other cause. This is positively affirmed by Hon. J. C. G. Kennedy, one of the most learned statisticians in this country or any other country, in his report of the United States census of 1860. This certainly is one of the unnecessary vices of civilization. There are some reformers, theorists, dreamers possibly they may be, who preach that by our steadily increasing knowledge we are advancing slowly into a higher civilization from which the vices of our present medial state will disappear like the errors and superstitions of former generations. Again, alleviation is found in the fact that the per centum of cures under modern treatment has largely increased and is still increasing. Three-fourths of all who submit to hospital treatment immediately

after attack recover, and about forty per cent. of all who enter the hospitals at any time are discharged cured. I have not the per centum of cures under Egyptian, Grecian, and Roman treatment, but after the light of Mediterranean civilization went out the poor maniac was treated as an outcast or a criminal until within the last few centuries. I do not state these facts for the information of the learned gentlemen around me, but to prove and illustrate my text, that our work to-day marks a step in the progress of the human race.

Generalizing from our vast accumulation of experience, we are forced to recognize another fact that as yet has not been of much practical benefit to the world,—namely, that the mind, whether it is susceptible to spiritual disease or not, and however much it may appear in the individual to be his own master and capable of independent volition, judged of as exhibited in a whole nation, is as much amenable to natural laws as to the material world. This is proved not only by the statistical facts to which I have just referred, but by a great number and variety of statistics not immediately connected with insanity. Not only the number of crimes, but the number of arrests, convictions, and escapes that occur in a given community, vary but little from year to year. The number of murders and suicides that might reasonably be supposed to result from individual passion or misfortune sum up nearly the same every year. These facts indicate some general laws by which similar results in crime are annually produced. All mental operations, so far as they can be traced in the action of the masses, indicate control by general rules. Even the omissions of the memory—memory, the most important and wonderful attribute of the mind, at once the beginning and evidence of immortality because thereby we are enabled to live in the past as well as in the present—seem to be no exception. The Post-Office Department shows wonderful uniformity in the number of letters dropped, where the address or stamp has

been forgotten. Even the number of accidents resulting from personal carelessness, mere slips of individual attention, are calculated with terrible accuracy by those who insure against them. These statistics go to prove that the thought which springs from the brain is as much under the dominion of God's unchanging law as the pebble that rolls on the shore or the comet that flies through the heavens.

It is chiefly by acquiring a knowledge of these laws or rules of God, as developed in his creation, that civilization advances ; that we are enabled to avoid to some extent disease and misfortune, and to cure and alleviate them when unavoidable. Not that by foreknowing these laws we can in the least change them. We have no evidence that the forces of nature have ever been increased, diminished, or interrupted, nor that the rules by which these forces act are less stable than the forces themselves. By foreknowing the seasons we are enabled in summer to provide for winter, and in the same way the knowledge of any law enables us to secure good and avoid bad results.

That we have also made considerable progress in political and moral science, in the comprehension of the duty which the whole community owe to its several constituents, is shown in the fact that this hospital is erected by the State. In the olden time political theorists taught that obedience and tribute were due from one portion of the people to another, that one portion was born to privileges and another to duties. So slow has been the progress in this science that this opinion is still entertained in some modified form by nearly all civilized nations except our own. In this direction our country leads the world. We have discarded the old theory altogether and based our government on the theory of human equality. It is from this fundamental principle, developing in the light and warmth of Christian benevolence, that the duty of the government to all her unfortunate children, to the ignorant, poor, and

afflicted, becomes plain. Upon this principle the government erects the school-house, poor-house, and hospital, and becomes eyes to the blind, feet to the lame, reason to the insane, and understanding to the simple. About a quarter of a century ago this commonwealth undertook the cure of the insane in State hospitals. I happened to represent this county in the Legislature about the time this policy was adopted. Dr. Curwen, the secretary of this commission, was then pressing the subject upon the attention of members. It seems a long time ago, but the doctor was the same young man then that he is to-day. His benevolent labors have crowned him with protracted youth. With a small appropriation obtained at that time the State Hospital at Harrisburg was begun. The number of insane in the commonwealth at that time was less than two thousand. It is now considerably more than four thousand. The State has steadily pursued the philanthropic policy then begun, and in pursuance of it the governor has to-day laid the foundation of the fourth great edifice dedicated to the care and cure of these afflicted people.

I have taken this occasion to refer to our progress as indicated by the erection of this edifice, not by way of boast, but rather for cheer. Our progress has been too slow for exultation. Columbus, standing on the shores of Europe, observed some pieces of drift, from which he inferred there was an unknown continent beyond the seas. So we, approaching the goal of the nineteenth century, have only gathered a few fragments of science, a little drift, suggestive of the vast worlds of undiscovered truth that may yet be revealed for the elevation and comfort of mankind. But while it does not become us to boast, we may take courage in the fact, discovered by a comparison of distant ages with our own, that civilization has been somewhat advanced by additions from century to century to the world's stock of knowledge, and we may entertain the hope that mankind, still ignorant, weak, and afflicted, may steadily

lessen their infirmities as coming ages, with their experience and discoveries, roll by.

While we thus congratulate ourselves upon the progress shown, the thought doubtless occurs to many, "Can the world hold its own? May it not recede? It did fall off from Egyptian, Grecian, and Roman civilization. There were long 'Dark Ages' after that. May they not come again?" The mechanics have a machine called a ratchet. It is contrived to stop all backward motion, while it allows all motion forward. You all know what it is. The art of printing is the ratchet of civilization. While it is of itself a great instrument of progress by the diffusion of knowledge, it is also what it has been properly called, "The art preservative." Whatever becomes once known to the world this art retains. It was unknown to the ancients. Since its discovery, no steps have been taken backwards, no arts lost, no truth forgotten, no light extinguished. If we shall not have the strength in the future to go forward, the ratchet will at least hold us where we are.

SPEECH

ON THE RESUMPTION OF SPECIE PAYMENTS.

Delivered at Warren, Pennsylvania, October 26, 1875.

JANUARY 14, 1875, Congress passed an act providing for the resumption of specie payments on the first day of January, 1879. In subsequent elections the whole Democratic party and many Republicans were arrayed against the act, demanding its repeal. A portion of the opposition, respectable both in numbers and leadership, not only demanded a repeal of the act, but became the advocates of an irredeemable paper currency, or, as it was called, "fiat money."

Mr. Scofield took the stump in opposition to this "green-back craze."

A report of one of his speeches delivered at Warren, Pennsylvania, October 26, 1875, is found in the *Warren Mail* of that date, and is as follows :

After some preliminary remarks, Mr. Scofield took out three notes and, holding them up one by one, proceeded as follows :

Here is a note made by John Doe, in which he promises to pay to the bearer one dollar. Here is another note made by the First National Bank, in which the bank agrees to pay to the bearer one dollar. And here is still another note made by the United States, called a greenback or legal-tender note, in which the government agrees to pay to the bearer one

dollar. These three notes differ a little in color and style of printing, but they are alike in the most important feature, that they all agree to pay to the bearer one dollar. These notes are not themselves dollars, nor do they profess to be. Nor do they define what is meant by a dollar. For that information we must go to the laws of the United States. Here we find that a dollar is a piece of gold weighing $25\frac{8}{10}$ grains. And thus we learn that John Doe, the First National Bank, and the United States, have each agreed to pay to the bearer $25\frac{8}{10}$ grains of standard gold. This piece of gold, the law goes on to provide, "shall be the unit of value." In order that no one may be cheated either in the quality or quantity of the metal, the government employs experts who assay, weigh, and stamp this metal, and when so assayed, weighed, and stamped it is called coin. The commercial value of the metal determines the money value of the coin; the assaying and weighing determine only the amount and quality of the metal.

Why, then, do not John Doe and the bank pay their notes in these gold dollars? Because the act of Congress passed February 25, 1862, known as the legal-tender act, requires the holder of these notes to accept the notes of the United States in payment in lieu of gold. Then why does not the United States pay their notes? Because hitherto it has not been convenient to pay, and you cannot sue the government and compel payment as you can an individual. If these notes are ever paid, it must be by the voluntary act of the people. They can pay or repudiate just as they choose. Down to this time, the popular judgment as indicated by national legislation has been in favor of honest payment "at the earliest practicable period."

The act of Congress passed March 18, 1869, declares "That the faith of the United States is solemnly pledged to the payment in coin, or its equivalent, all the obligations of the United States not bearing interest, known as the United

States notes." "And the United States also solemnly pledges its faith to make provision at the earliest practicable period for the redemption of the United States notes in coin." The act of Congress passed January 14, 1875, did make provision therefor, and directed the Secretary of the Treasury "on and after the first day of January, 1879, to redeem in coin the United States legal-tender notes then outstanding on their presentation in sums not less than fifty dollars."

There is no excuse for repudiation. Our population is now more than forty millions and our wealth too large for realizing computation. The population doubles and the wealth quadruples every quarter of a century. These young people, before their heads are hoary, will behold one hundred million people within our borders. If with such resources, present and prospective, we weave into our early history the words "dishonor" and "broken faith," how could we ever hold up our heads as the great, proud republic to lead the nations of the earth in the ways of liberty, equality, honor, and peace?

I am glad to know that repudiation, pure and simple, open and above-board, has no avowed advocates now. But a new mode of payment, to wit, with a new kind of money, is proposed. The advocates of this new mode of payment do not deny that the United States honestly owe the bearer one dollar as stated in the promise on the note and in the law which authorized its issue. They do not propose to repudiate that promise nor repeal that law, but, on the contrary, to stand by both. They only propose to go back to the old law which declared that a dollar should consist of $25\frac{8}{10}$ grains of gold, and repeal that, and then make a new dollar, not out of gold nor silver, nor copper even, nor out of anything that has intrinsic and commercial value, but out of paper. On this paper will be printed not a promise to pay a dollar like the green-back, but "this piece of paper is a dollar, the standard and unit of value." This idea is not new. But it is suggested

anew, no doubt, and comes to have many advocates, from witnessing the operation of the legal-tender act. "The greenbacks," they argue, "have been circulating ten or twelve years; so far only a small amount has been redeemed and yet they are worth about eighty-six cents on the dollar. They make a convenient currency; why not abandon the idea of redemption altogether, demonetize gold and silver, and issue enough greenbacks, with the promise of redemption left out, to pay the national debt and do the business of the country?" This proposition is based upon the hypothesis that the value of money is derived not from the commercial value of the material out of which it is made, nor the commercial value of anything into which it is convertible at the will of the holder, but from the declarative decree or order of the government by which it is issued. If this hypothesis were true, if great value could be imparted by legislative enactment to something that had no value before, it would be a great blessing to the world. Governments could then get along without loans or taxes. They could easily put their stamp upon prepared paper and determine by law how much property it should buy. But, unfortunately, the hypothesis is fallacious. Governments may make money of anything they choose, of diamonds, gold, silver, iron, or tin, of wheat, tobacco, or coal, of leather, shavings, or paper, but the value or purchasing-power of such money will, when business becomes accommodated to it, regardless of government orders to the contrary, correspond to the commercial value of the material of which it is made or into which it may be convertible at the holder's pleasure. If a dollar is composed of $25\frac{8}{10}$ grains of gold, it will ultimately purchase as much as the same amount of uncoined gold will, and no more. If composed of $25\frac{8}{10}$ grains of silver, copper, or iron, it will ultimately purchase as much as the same amount of uncoined silver, copper, or iron will, and no more. If composed of paper, it will ultimately purchase as much as the same amount

of unstamped paper, and no more. I make no account of coinage, because that is only an official certificate of the amount and quality of the metals for which government make no charge.

If a piece of government paper, not redeemable nor convertible, had any more value than any other similar paper, from what is that value derived? The law may declare that a piece of paper three inches in width and seven in length stamped with a government seal shall be called a dollar and become the standard of value. But then what value? Not the value of the old gold dollar, because that standard of value would be abolished by the law which authorized the new dollar. If the law which abolished gold as the standard of value should provide that the new dollar should have the value of $25\frac{8}{10}$ grains of gold, we would at least know what value the Legislature intended to impart to it. And if the law should prove effective, if it produced the effect intended and directed, its value would be equal to the gold dollar and therefore readily convertible into it; and thus we would have the much-dreaded specie payments. But no such value could be imparted by legislation. The new money would rapidly depreciate as existing contracts disappeared, and in a little while would be classed with French assignats, Continental and Confederate money.

We are not left to argument alone upon this subject. The idea that governments can impart value to a valueless thing by legislating it into money is, as I stated, a very old one, always disproved and exploded, and yet frequently revived and sometimes tried. Several of the English kings tried debasing the coin, but the new coin soon sank to the value of the inferior metals of which it was composed. The Spartans tried iron, the Carthaginians leather, and many have tried paper; but in all cases the money soon came to possess only the commercial value of its composing materials instead of the higher value assigned it by law.

In selecting a material out of which to manufacture money, therefore, the first inquiry should be, Has it large commercial value, or, as it is often expressed, has it large intrinsic value, value as a commodity, independent of the new use to which it is to be applied? If not, you need inquire no further. It is worthless for money and must be rejected. "But," says General Butler, "money is only the measure of value, as the yardstick is the measure of cloth or the quart cup the measure of milk, and needs no value in itself." Let us see. The yardstick is the measure of length, and in order to measure length it must itself have length. The quart cup is a measure of quantity, bulk, or space, and in order to measure successfully it must itself have space. You cannot measure a coil of rope with a handful of shot, nor a quart of milk on the back of a spoon. If you wish to ascertain your weight, your measure at the other end of the balance must be a weight not a feather. So to measure value the measure itself must have value. Money is the measure of value and, therefore, must itself possess value, and then, like the measure of length, space, or weight, it can be used over and over again and applied to every kind of property whose value you wish to record.

But why stick to gold alone? Why not take diamonds, wheat, tobacco, iron, or other property? All these have value. Yes, but while great value is indispensable, other qualities are important. Stability in value, convenience in handling, subdivision, and coinage should also be considered. The diamond has great value, stability in price, and is convenient to handle, but it is not susceptible of proper division and coinage. Iron is easily subdivided and coined, but its value is very fluctuating, and so low that transportation is impossible. Tobacco was once used as money in Virginia and South Carolina, but was found so inconvenient to handle and so uncertain in value that it was soon abandoned. Gold has both great and staple value, is easily handled, and is susceptible of sub-

division and coinage to any desired extent. Commerce has selected it as a medium of exchange because it has these qualities. The traders used it before the law came in to coin and legalize it. Governments did not arbitrarily select it. If all laws upon the subject of money were at once abolished, commerce would still employ the uncoined gold as the best standard of value and medium of exchange the world over.

But the greenback, it is said in reply, is not now redeemed, and yet it is not very greatly depreciated. True, but the greenback has a *promise* of redemption, and there is a general belief that the promise will be kept. Some of it has already been redeemed. This belief keeps it going, just as it is at times with your unpaid county orders and city warrants. Although somewhat depreciated, the expectation that they will be redeemed in time keeps them in circulation. In the year before the war closed, when the contest seemed doubtful, the greenback dollar was worth only thirty or forty cents. In the year after the war closed, and the ability of the government to keep its promise was better established, its value was doubled, and it has since appreciated as the financial condition of the country has improved. On the contrary, the Confederate currency went down as the prospect of success and ability to pay went down, and upon the surrender became entirely worthless. Let Congress repeal the promise to pay and declare the greenback forever irredeemable, and it would soon cease to circulate at all. Or, let Congress enlarge the amount now out, or take the back track on the question of resumption and thus weaken the expectation of ultimate payment, and it will at once fall far below its present depreciation. I suppose that it is what the advocates of "more money" want. They cry "more money," but they mean more depreciation.

Again, in support of irredeemable paper money, it is said that it will be accredited by the people because it will be "sustained by all the wealth of the country." But that is just

what will not be. The argument contradicts the theory. The theory provides for a paper money to which the wealth of the country is never to be applied by way of payment or redemption, and the argument is that such paper money will be good because the wealth of the country is to be so applied.

But this irredeemable paper money would be a legal tender, and would, therefore, pay debts. Would not that give it value? Certainly, if made exchangeable for anything, it acquires the value of that thing. If made exchangeable for debts, it would become as valuable as the debts. Let us see how valuable they would be. A debt that is payable and convertible into gold is as valuable as gold. One that is payable and convertible into greenbacks is as valuable as the greenbacks, but a debt that is payable and convertible into irredeemable paper money only is only as valuable as that kind of money. If, therefore, all the gold and greenback debts become payable in irredeemable paper money, they at once lose their gold and greenback value and sink to the value of the money in which they are to be paid. So that you could not in this way secure any permanent value for it. As soon as the existing gold and greenback contracts were paid, or, rather, repudiated with this kind of money, there would be no further use for it. No new contracts would be made on the value of it, because it would have no certain value. Either credit would be abandoned altogether or debts would be made payable in gold and silver or other kinds of property.

It would still be received for taxes. Yes, but taxes collected in this kind of money would not go very far towards defraying expenses. The taxes must go up in amount as the money goes down in value, and soon taxes would have to be levied and collected in kind, as they were in the Confederacy. So it would acquire no permanent value in that way.

“But,” says Judge Kelley, “you need not go to the trouble to redeem your greenback in gold in order to keep up its value.

Make it convertible into my three-sixty-five bond, and that will make it equal to gold." Let us see. The note has no value except what it derives from its convertibility. If convertible into coin, it would be equal to the coin ; if into a bond, equal to the value of the bond. Now, what is the bond worth? Just what it is payable in, of course, and no more. What is it payable in? In coin? No. In property of any kind? No. Only in these same notes. So you make the notes derive their value from the bonds, and the bonds from the notes, neither having any value of themselves.

All such financial schemes necessarily embrace in their results repudiation pure and simple, but not open and above-board. To the dishonesty of repudiation they add the meanness of dissimulation and false pretence.

The wit of man has never yet devised and never can devise a way to make good money out of paper, except through redemption. All argument proves it. The experience of the world attests it. We must and will return to specie payments. There are but two roads that lead in this direction. The one is, to fix a time for resumption some distance ahead, so as to give fair notice to everybody, and then make all possible preparation. As the time approaches, if it shall appear that the preparations are not quite complete, let it be postponed a little longer. In this way we will arrive at specie payments, with some inconvenience, to be sure, but without dishonor, and with steady though moderate prosperity. This is the road the Republicans have chosen.

The other road leads through inflation, irredeemable or soft money, a short carnival of knavish speculation, a great breakdown at last, repudiation partial or total, a long prostration of all enterprise, all business, and all confidence among men ; but it leads you to specie payments in the end. Choose which road you will travel.

SPEECH

ON THE [NOMINATION OF JAMES A. GARFIELD AND CHESTER A. ARTHUR.

Delivered at Warren, Pennsylvania, June 26, 1880, and subsequently published, as a campaign tract, by the Republican National Committee.

FIVE distinguished gentlemen were proposed at Chicago,—Grant, Blaine, Sherman, Edmunds, and Washburne. Garfield was chosen because he was not in the fierce rivalry of these great men, but not because he was inferior to any of them. He was not in the list of candidates, because he did not wish to be in the way of the great financier who lives in the same State. They all hail his nomination as one eminently fit to be made. He has a brilliant record as a soldier, is a statesman of great strength, learned, practical, patient, good-natured, and full of days' work. But his merits as a soldier, statesman, and scholar, great as they are, do not overshadow his high character for personal integrity. I served in the House with him for twelve years, have seen him often in committee, in his office, in society, and at work on his farm with his boys and hired man, and I think I know him very well. He is thoroughly honest. I do not mean he is always studying to "avoid the appearance of evil,"—rogues only do that. His integrity is real, not simulated. He is honest-hearted, honest in his convictions, feelings, and purposes,—honest all through. He is plain and accessible in manner, frugal and simple in his style of living. I never saw him angry, not even impatient or out of humor.

I do not personally know Mr. Arthur, but I have every

reason to believe that he is an able and honest man, and well worthy of our support.

THE PURPOSE OF THE CONFEDERATES.

But this is not a contest between candidates, scarcely between parties. It is a contest to determine whether the Union-loving North—the peaceful, industrious, enterprising, and populous North—shall come under the misrule of the narrow, arrogant, and reckless faction that now dominates the South.

The leaders of the late Confederacy have determined to secure the control of the national government. It is not an unnatural nor an unlawful ambition. From the day in which they were forced back into the Union to this hour, they have steadily planned and plotted for supremacy. I do not mean they met in convention, agreed upon that purpose and the means of its accomplishment, and formally announced them to the country. There is a logic in the interest and wishes of men, in the conflict of factions and persons, more potential and strategic than the resolves of conventions.

The first step in their programme was to acquire control of their own States, as they are pleased to call the late slave States. That is already accomplished. I will not stop now to inquire how it was accomplished. So fraudulent, so cruel, and so murderous were the means employed, that a truthful statement would be scarcely credited. It is enough for my present purpose to know that the Confederate leaders now dominate these sixteen States. That domination gives them thirty-two Senators of their own selection. If they can secure six more from the North to act with them, they have, with the Vice-President, a majority of the Senate. When they carry all their districts it gives them one hundred and six Representatives in the House. If they can secure forty-one more from the North to act with them, they have a majority in the House. It gives them one hundred and thirty-eight

votes in the electoral college. If they can secure forty-seven more from the North to vote for their candidates, they choose the President and Vice-President.

In the present Senate and House they have, with their allies who, under caucus dictation, vote with them for the most part, a working majority; but a Republican President stands in the way of entire and exclusive Confederate control of legislation and patronage. With all their bloody triumphs in the South, and their imperial caucus reign in the Senate and House, they are compelled to see Union laws, which they have declared shall be wiped out, remain on the statute-book, and Union men, whom they have declared must go, exercise the judicial, executive, and military powers of the republic. To remove these last obstacles to their unrestrained domination is their purpose in the present campaign. They naturally turn to the Democratic party of the North—the party that has so long held up their weary arms—for help. “Give us forty-seven electors” is the demand of Davis, Hill, Blackburn & Co., and the Northern leaders will make a lively effort to comply with the demand. Suppose they succeed,—suppose they are able to hand over to the Confederates the forty-seven electors, and their candidates are thus chosen and sworn into office in March, 1861. They will then have the President, Vice-President, Senate, and House,—an administration whose component parts are, Democrats, forty-seven; Confederates, one hundred and thirty-eight.

What will such an administration do?

The first thing to be done is the selection of a cabinet. This is very important. These officers transact all the business of the government, control all the minor appointments, and shape the policy of the administration. There are seven of them. The Confederates, having contributed three-fourths of the electoral votes, will be entitled to five of them. Whether they claim their proportion in numbers or not, be

assured that no influence not in harmony with Confederate interest and feeling will be tolerated in these seats of power. The ministers to represent us—no, not us, but them—their interests, theories, manners, and civilization, in foreign countries, as well as all officers at home, not necessarily local, will be selected in the same sectional proportion. Bear in mind, I am not criticising the change of officers; that may be expected with a change of parties and policies. I am simply calling your attention to the character of the new appointees. All who are not Confederates must be Confederate “sympathizers.” By the time their Congress assembles in December, the whole civil list, except the judges, who hold for life, will be decorated with the names of the late disunionists and their friends. The power, the honors and emoluments of office will belong to the open or secret enemies of the Union, while those who fought and suffered to preserve it and make it free and great will be left to neglect, proscription, and persecution. The capital of the country, preserved by Northern valor, rebuilt by Northern enterprise and beautified by Northern civilization, will become a Confederate capital and lapse into the ways of the South.

Let no one doubt that the South will claim their full share of the spoils. The talent of the North takes largely to commerce, manufactures, literature, science, and great enterprises. Whatever of these exist in the South is in the hands of citizens of the North, for no man of Northern birth is ever allowed to feel at home as a citizen of the South. Politics is almost the only resource of the natives. Hence they are rapacious for office.

Having thus secured the offices, their two Houses will assemble in December, and, of course, will be organized in the Confederate interest. The officers will be agreed upon in caucus, where the Confederates will be in a majority of three to one over their Northern allies. They will thus secure the

control of all committees, which originate and shape important legislation. It is so even now. The white population of the South is less than one-fourth of the population of the whole country, and yet out of the one hundred and two committees in the two Houses, the South has the chairmanship of fifty-eight, and the other three-fourths of the population only forty-four. This, too, in the face of the coming election, when they were anxious to exhibit themselves to the best advantage to conciliate and deceive the North. If they are so arrogant now, when they bear sway in only one branch of the government, what toleration can Union men expect when they swagger in power through all the departments?

One of the first things to be undertaken after the two Houses are thus secured will be the reorganization of the army and navy. The Confederate brigadiers who cannot come to Congress would like to command the army they failed to conquer. The law now forbids it. It will not take them long to repeal that. They have a bill already prepared in the Senate. It passed to a third reading on the call of the yeas and nays, and all the Northern Democrats, along with the "brigadiers," voted for it. Mr. Tucker, a former Confederate and present Representative from Virginia, had before proposed it as a rider to an appropriation bill, but it was ascertained that it would encounter a veto, and both Houses deemed it wise to let it sleep till after the election. The bill to legislate Fitz John Porter, with sixty thousand dollars as a reward for the betrayal of the Union army, back into the service, after passing to a third reading in the Senate, was allowed to sleep in the same way. They can hardly bide their time. They push these bills far enough to encourage and consolidate the South, but not so far that a veto of a Republican President would bring them prominently to the attention of the North in the coming election. If they secure the President, these measures will wake up and pass into laws.

Not only will rebel officers be allowed to enter the military service, but the army and navy will be so reorganized that ultimately they will fall under Confederate leadership altogether. Their plan, as I understand it, is first to reduce the number of officers under the pretext that we have too many, and after the Union officers are mustered out or put upon the retired list, under some pretended scare about a foreign war, again enlarge the number, and fill the vacancies with Confederates. Whatever their way of accomplishment may be, of this be assured, that whenever they secure the President and a majority of each House, a large portion of loyal army and navy officers will have to go, and disloyal officers take their places. Why not? It is all in the power of Congressional legislation. Idle and poor Confederate officers crave it. The South will demand it of their own Representatives, and the vote in the Senate on the bills to authorize rebel officers to enter the army and to restore Porter, proves that enough Northern Democrats can be coerced by caucus to make the necessary majority.

Having arranged for the ultimate control of the army and navy, legislation will begin. What they call a revision of the tariff and revenue laws will doubtless receive early attention. They have always attributed the prosperity of the North and the poverty of the South to the operation of these laws. They cannot understand that a country where idleness is honored and labor despised must always be poor, and one where industry is honored and encouraged will always be rich. They will so revise the tariff that Northern industries will be crippled and the revenue diminished. Quite likely they will abolish the whiskey and tobacco tax, of which they constantly complain, and put in its place a tax that will, by espionage and exposure, annoy and repress the business and enterprises of the North, while it gives but little revenue to the Treasury. They will not be alarmed by diminished revenues, for their theory

of finance is after the Confederate and "greenback" order, to put little into the Treasury and take a great deal out.

Their disbursements will be equally sectional. They believe their country can be built up by the improvement of their rivers and harbors and the erection of public buildings with Northern money. They think that ships will call if they make a channel where there are no freights, and imports will arrive if they build a custom-house where there are no consumers. The Southern claims, the great cotton tax and countless others, will not be neglected. Four years ago, Mr. Tilden, after he was nominated, pledged himself to oppose these claims. In the midst of the campaign the South could only make wry faces, but at Cincinnati they took their revenge. They buried him with his pledge. They have taken an unpledged man as their candidate and the claims are all there.

Many have already had a first reading in Congress. They are swelling in the sap, and if the crisp influence of the North is removed from Washington they will spring out like the leaves of June. And these claims, you must remember, are not barred by the fourteenth amendment, as are some others which I will presently discuss.

They will not long delay an attack upon the currency. It is too safe and uniform in value to suit them, and must be reformed. The National banks exist in violation of "State rights." Besides, they have to give security to make their notes as good as gold in every nook and corner of the country. That is a great hardship. They cannot get out worthless money, and the whole party North and South have agreed to abolish them. To be sure, they have not agreed to revive State banks, but that revival comes as a matter of course. It will require but a single line of legislation to put them all in operation, for the State banking laws have never been repealed. They remain as they were before a national currency was

invented and adopted by the Republicans. It was a Federal tax of ten per cent. on their circulation that forced them to retire. Repeal that tax, and they come up like mummies at the resurrection. A one-line rider on an appropriation bill will do the business. The South demands it; "State rights" demand it. It must be done. And then the country will be again drenched with "red dog" and "wild cat." It will not be necessary even to abolish the National banks, for a worthless currency always drives out good.

What they will do about greenbacks is not so certain. On this question they are not agreed. Some desire to keep them and issue more without redemption and without limit, at least enough to pay the hated bond-holders. Others hold that a national currency is "centralization," that "State rights" demand that it should be issued by the States alone. Of course, they will continue to tax the people two millions per month, twenty-four millions a year, to buy unneeded silver with. The government vaults are all full; they can hold no more, and it is piled up in the halls of the public buildings; but the buying still goes on. It is Democratic reform. The Secretary of the Treasury informed Congress of the situation, and urged them to stop this waste of the people's money. In reply he was told to build more vaults and keep on buying. They might just as well tax the people twenty-four millions a year and throw it into the sea. But these financiers think it spites the capitalists, as they are pleased to call economical and thrifty people, and so they continue to wring from the taxpayers two millions per month and lay it away in the dark.

When they feel secure in the control of the President and the two Houses of Congress, when Confederates or manageable Northerners are in all the places of power, when the *personnel* of the army and navy has been so far worked over that the leadership is substantially Southern, when Northern industry and enterprise have been repressed by their revenue revision,

when sectional appropriations have been reversed so that the little end of the country shall have the big end of the purse, when the national currency shall begin to surrender to "red dog" and "wild cat" according to "State rights,"—other reforms still more disastrous will begin to loom up. Payment for slaves, assumption of the Confederate debt, and pensioning of Confederate soldiers will most certainly be pressed. From their stand-point, there is great plausibility, not to say justice, in these claims. In the District of Columbia the government paid for the slaves. It was proposed in Congress at that time to do the same thing in the States, and the proposition had many supporters. Their slave property was taken from them without their consent. In some of the States—"My Maryland" I particularly recollect—inventories of the slaves, their ages, sex, and market value, with a view to their ultimate payment by the United States, were undertaken by State authority. These inventories are carefully preserved among the records of the States, awaiting the return of the Confederates to power. They regard the war, not as a rebellion against the United States, but as a "war between States." They so call it in their speeches and histories. If the States reunited assume the debt of one party to such a war, why not the other? If the soldiers on the one side are pensioned, why not on the other? So they reason. As our Pennsylvania juries sometimes report, "Neither the prosecutor nor the defendant to blame, and the county to pay the costs."

If these assumptions are found impracticable, the next best thing is to repudiate them all. Put the Northern bonds and pensions and the Southern bonds and pensions in one casket and bury them together. "Let by-gones be by-gones," and all mementos of a "fraternal war" removed out of sight. Repudiation is not disgraceful in the South. They think more of honor than honesty. They are used to repudiation. Within the last few years they have repudiated their State

and municipal debts to the amount of about three hundred million dollars with apparent relish. A little debate in the House last April on the celebrated Weaver resolution for "fiat money," illustrates the readiness of the South to agree to any form of repudiation. The resolution provided that fiat money should be a legal tender for all debts, public and private. General Chalmers, of Mississippi, requested Mr. Weaver to strike out "private," so that "fiat" could be used to pay public, but not private debts, and assured him that this modification would secure for his resolution a great many votes. Mr. Weaver refused to make the modification. It was on a motion to suspend the rules, and an amendment was not in order. Mr. Samford, of Alabama, spoke in favor of the general purpose of the resolution, but said he should vote against it because it proposed "to make money out of paper, redeemable in nothing, and yet give it a legal-tender quality in payment of private claims between citizens." "If the word private had been omitted, as General Chalmers requested, he should vote for the balance." It was perfectly proper, according to these Confederate leaders, to cheat the public creditor with this fiat stuff, but not for citizens to cheat each other out of their private claims. It was doubtless a fair specimen of Southern sentiment, but the rules prevented a further expression of it at that time.

But it is said that the assumption of Confederate debts, the payment for slaves, as well as the repudiation of the Union debts and pensions, is prohibited by the fourteenth amendment. That is true; but it is almost equally certain that as soon as they feel secure in power, they will begin to hack and hew not only at the fourteenth amendment, but the thirteenth, which abolished slavery, and the fifteenth, which allows colored men to vote. You will remember that not only the Confederates but the Democratic leaders in the North fought all these amendments step by step as they were adopted. They

* claimed at the time, and for many years after, that each step so taken was unconstitutional. First, the presentation by Congress to the States was void because all the Confederate States were not at that time represented at Washington. Second, because in making up the three-fourths of the States whose assent was required, some of the "carpet-bag" governments were counted. Third, because the States of Ohio and New Jersey were counted for the fourteenth and the State of New York for the fifteenth amendments, notwithstanding the assent of those States had, pending the question, been withdrawn by the Democrats. They have never agreed that these amendments were just nor that they were legally adopted. They submit to them only because the Supreme Court have pronounced in their favor. The Confederates desire and intend to wipe them all out. They cannot do that by a simple act of repeal as they can other war legislation. To repeal them requires the assent of two-thirds of Congress and three-fourths of all the States as it did to adopt them. But a Democratic Supreme Court might declare, as did the Democratic National Convention of 1868, that they were never legally adopted, but were "unconstitutional, revolutionary, and void."

The way to secure a Democratic court has already been planned and the work begun. The bench at present consists of nine judges, seven Republicans and two Democrats. They hold for life, and can only be removed by impeachment. They will not try that: it requires two-thirds. There is a much easier way to obtain control of the bench, to wit, enlarge the number,—enough to overthrow the Republican majority. That can be done by a simple act of Congress, and with the plausible pretext that the business before the court requires more judges. In pursuance of this plan, on the 26th of last January, Mr. Manning, of Mississippi, introduced a bill to make the court consist of twenty-one judges. The judges are divided into three separate courts for the despatch

of business, but meet in banc to decide constitutional and other important questions. The bill was twice read and then referred to a friendly committee. If they carry this election the bill will be reported and passed, and they will then add twelve new judges, Confederates or in sympathy with them, giving them fourteen out of the twenty-one judges on the bench. Soon after the introduction of this bill, the Democrats began a systematic attack upon the Republican judges of the court, charging them with making partisan decisions. The decisions complained of sustained the amendments and the laws made to enforce them.

These attacks continued from time to time as opportunity presented till the adjournment of Congress. A few specimens of these attacks I trust will not fatigue you. February 18, Mr. Knott, of Kentucky, chairman of the Judiciary Committee to which this bill was referred, came out with an elaborate criticism upon a decision of the Supreme Court on a constitutional question, in which he characterized the majority of the judges as being "hopelessly lost in the fog." One of their opinions he calls "plausible sophistry," and another "mere drivel," and takes occasion to laud a Democratic judge to the great disparagement of his associates. On the 18th of March, Mr. Cox, of New York, spoke with great contempt of the judges, called it a "packed, partisan, and demoralized" court, and the official record says this sentence was followed by "loud applause on the Democratic side." On the 19th of March, Mr. Buckner, of Missouri, denounced the court as a "packed tribunal." He charged that "they had gone to the very extreme of consolidation and centralization of the powers of the government" to sustain Republican legislation, but to sustain party on the electoral commission "they had gone to the extreme verge of State rights." On the same day, Mr. Ewing, of Ohio, spoke of the Supreme Court as being governed by party, and declared that certain of their opinions should not

be considered final, but observed "pro tempore" only. April 30, Mr. Atherton, of Ohio, in a speech which he held a whole week for revision, after characterizing the Supreme Court of North Carolina (composed of Republican judges) as a "court incapable of reasoning," a court that "writes itself an ass," says, "this sapient North Carolina court has found willing pupils in the Republican members of the Supreme Court of the United States," which members he calls the "illogical majority." "Appointed as the slaves of party, it is not strange that it should continue to do the dirty work of its masters." On the 19th of May, Mr. Voorhees, Senator from Indiana, in speaking of the Supreme Court, charged that they "had overruled their well-settled opinions" and "made a political decision to order." On May 10, Mr. Kitchen, from North Carolina, in a written speech denounced the court in very bitter and abusive language, many times repeated. The court, he says, "in its chariot of fire rolls through the preamble and body of the Constitution," and in its "infidelity to the Constitution rides over the decisions of ninety years." He calls down upon the judges and other persons in office, whom he classes together as plotters against the Constitution, the "thunderbolts of Jehovah's eternal justice," and threatens that they shall be driven from power by the "fiery indignation of an inflamed people." It may be said that this is the bombast of a weak man. So perhaps it is, but it tells the purpose of abler men too prudent to threaten before the election. A great English statesman used to inquire what the fools among his opponents were saying.

It is not difficult to see that the purpose of this continued systematic and most undeserved criticism and abuse of the judges is to prepare the way for a Confederate court through the Manning bill.

In speculating as to what the Confederates will do if they get the power (for they are running a masked campaign), we

should not forget that before the war it was the policy of the South, in order to make the slave power strong in the Senate, to keep even with the North in the admission of new States. In pursuance of this policy, provision was made in the act of Congress of March 1, 1845, for the annexation of Texas, to divide that territory, whenever the population should become sufficient, into five States. The population, as will appear by the census, is much more than is required. The slave-power as such has passed away, but the policy survives in homogeneal interests, sympathy, suffering, resentment, climate, and civilization of the Confederates. Give them the President and both Houses of Congress, and it will not take long to arrange the division. I know it is said that the Legislature of Texas will not consent. Why not? They get eight additional United States Senators, and that is a pretty strong argument for her ambitious politicians. There is also considerable diversity of interests in the different parts of the State. These facts, together with the pressure of the whole South to acquire this vast additional political power, will easily overcome the little State pride that may stand in the way. Northern Democrats, who are so often misled by the South, will readily agree to it. By this division the Confederate power, already disproportionately large, would be increased by eight additional Senators.

But this is not all. On the 7th of January last, Mr. Waddill, a Democrat of Missouri, introduced into the House a bill to organize the Indian territory lying west of Arkansas into a Federal territory to be called Oklahoma, preparatory to its admission as a State. The Indians, who are considerably advanced in civilization, are to be made citizens, certain lands are to be divided among them in severalty, and the remainder opened to settlement. It will be remembered that these Indians were slave-holders before the war, that they raised an army and joined the rebellion. These people, with the settlers

already organized to rush in from the adjoining States of Texas, Arkansas, and Missouri, would soon mould the territory into a reliable Confederate State.

Nor is this all. The policy of creating new States to enlarge the number of Confederate Senators can, and no doubt will, be carried still further. Utah, to escape what the Mormons call the "persecution" of Federal legislation, has long desired to enter the Union as a State. The Republican party will not consent except upon condition, that polygamy shall be forever abandoned. I do not suppose that the Democrats or Confederates would abstractly sanction polygamy; but with a strong political motive they, no doubt, would vote to admit Utah as a State. "Slavery and polygamy" have always been coupled together in Republican denunciation, and the Confederates, independent of their desire to secure two additional Senators, must feel a little tenderness for the "twin relic" of their buried institution. And the Mormons, who enslave their women, will not feel unkindly towards a people who enslave their labor. They also sympathize with secession. Anxious to become a nation by themselves, they could be relied upon to make a first-rate sovereign, independent, rebellious, Confederate State.

New Mexico, which has about population enough for a State, will be next taken in hand. It lies in Southern latitudes, immediately west of the Confederate State of Texas. The large native population are uneducated and of Spanish civilization. It is confidently believed that with a year or two of territorial control, it can be converted into a Confederate, or at least into a South-serving, Democratic State.

In this way the South will, in a short time, secure fourteen additional Senators; to wit, eight from Texas, two from Oklahoma, two from Utah, and two from New Mexico.

How much further they will attempt to carry this policy, Heaven only knows. It is said that a plan to annex another

portion of Mexico is even now maturing. In this scheme certain speculative interests in the North combine with political interests in the South. The speculators expect to make fortunes in Mexican mines, land grants, railroad privileges, etc., while the Confederates will not only secure more Southern territory to be converted into sympathetic States, but in the war that may threaten or follow, find reasonable excuse to place their brigadiers in the control of the army. The alleged incursions into Texas is to be the excuse for an invasion of Mexico, and a forced treaty of peace with a cession of territory is expected to follow.

In the mean time, Northern territories, overflowing with industrious, enterprising, and peaceful populations, set down in the revised vocabulary of the South as "Northern mudsills," will be held in a territorial condition, or admitted with areas too large to allow them a fair proportion of power in the Senate.

But it is said the Northern Democrats will resist the Confederate policy. Possibly so to some extent, but I fear it will be but little. Resistance under the circumstances is not easy. They will be in a small minority of the party,—out-voted two or three to one in caucus. The policy will not be voted upon as a whole. It will come up piece by piece and item by item, with plausible pretexts on each occasion. Before them will be the persuasive power of executive patronage, and behind the coercive power of caucus. All may not yield, but enough will yield to make a majority, and excuses and defences will be invented to soothe the betrayed people at home. How has it been in the past? Have they not always surrendered to the South? Did they not, in violation of pledges, vote down the Wilmot Proviso that the masters might make California a slave State? Did they not against their own convictions vote for the fugitive-slave law because the masters demanded it? Did they not vote to repeal the Missouri Compromise, that Kansas might be made a slave State, not because they desired

it, but because it was demanded by the solid South? Did they not suffer the Union to be dissolved under Buchanan at the demand of the solid South? For four years did they not throw all possible obstacles in the way of restoration in the interest of the rebel South? Did they not vote against the homestead law, and their President, Buchanan, veto it to please the solid South? When in forty years have the leaders resisted the dictation of the South? Van Buren made some resistance on the Texas question in 1844, and they drove him out of the convention, and finally from the party. Cass took ground for the Wilmot Proviso, and his early and humiliating recantation was demanded as the price of an empty nomination. Douglas, having yielded much, refused to yield more, and they organized a bolt and drove him to his grave. Every leader from that time to this who has dared to resist the South has been consigned to private life, or found a home and a welcome in the Republican party. Tilden declared against Southern claims in 1876, and they have refused him a renomination.

Have they not taken Northern candidates? Yes, to fool us out of the forty-seven electoral votes. Why else did they not select their own men? They selected them, however, under the two-thirds rule, so that none could be chosen by the Northern majority. "A Northern man with Southern principles" was their motto before the war, and it is their motto now. They elected a Northern man Speaker of the House, but took care that the committees that control legislation should be made up in the interests of the South.

They do not dare to put up one of their own men. If they were to hoist their real colors they could not hope for a single Northern elector. In the last four Presidential elections they have condescended to play a game of deception. They could not attend the convention in 1864, but from the Canada border they advised the nomination of a Union general. The trick failed. In 1868 they attended in person and selected a

Northern Democrat, but the deception was still more apparent than before, and of course failed. President Johnson and General Hancock espoused their cause in that campaign, but the people were not deceived by distinguished names. In 1872 they attempted to cover their purposes with the name of a great and earnest but eccentric Republican. "That," they soliloquized, "will deceive the very elect." That device also failed. In 1876 they again tried a Northern Democrat, masked as a reformer, but Republicans were not misled. Now they go back to their first experiment and nominate another Union general. It is another effort at deception, and I am sure it will not succeed. Beneath all these various disguises protrude Confederate boots.

The Confederates feel safe with their present candidates if they should happen to be elected. General Hancock was educated in the aristocratic school at West Point when it was fragrant with nullifications and all the heresies of the old Southern masters. There they taught him State rights as they practised them in the rebellion. They excuse his adherence to the Union cause, because his State did not secede. They educated him to abide by the decision of his State, and he did. But as soon as the war was over he took the Confederate side in politics. He will veto, they insist, no bill a Confederate Congress will pass.

Mr. English was always their man. He served them faithfully before the war,—got down so low that even the Indiana Democrats rejected him, and he disappeared from public sight. The returning Confederates remembered their faithful old servant, and when they called, he recognized the master's voice and came cheerfully forth and bowed his shoulders for the saddle.

Our Monongahela River rises in the south, but runs north for a considerable distance, then turning southward, empties its waters into the Southern Gulf. The Democratic party is

like it. Though its source and strength is in the South, it holds a northerly course until after the election; but when Congress assembles, it makes a short bend southward and empties the power it has deceitfully gathered into the Confederate maelstrom. The roll-call of slaves on Bunker Hill is not talked of now, but in its place the South stands in the halls of Congress and calls the roll of its Northern helpers. If there is doubt about the response, a caucus is called in which the South has the majority and acquiescence secured. During the sessions of the present Congress, if it was not humiliating, it would be laughable to notice the frequent calls for caucus when a veto or some un-Southern measure unexpectedly came up.

It is in this way that the solid South, with its one hundred and thirty-eight votes and the forty-seven which they hope to secure from the North, propose to dominate the Union.

The antagonism between the interests of the Union and the late Confederacy constitutes the leading issue in this campaign. The Democrats try to avoid it and get up abstract issues. They talk about "centralization" and "State rights." That is the old dodge. The South has two great staples, cotton and State rights. They sell their cotton to the Republicans and stuff the Democrats with the other crop. When Judge Black was taken prisoner by the Confederates, he asked his captors what they were fighting for. "Well," said one of them, "I don't exactly know, but if there are any of my rights that I haven't got, I want 'em." It is a fair illustration of the unmeaning clamor for State rights.

Consider it for a moment. We have four governments: the town, county, State, and United States. The town is by far the most important. It exercises more control over our persons, property, health, and liberties than all the other governments combined. It makes the roads, takes care of the poor, builds the school-house, the bridge, the market, supplies water

and light, puts out fires, settles our disputes, and guards our homes. Every day and hour we feel the protection and restraint of town law. And if it were not for these Presidential elections, a man might spend his whole life in this country (the South in the mean while keeping the peace) and never find out there was a United States government. Next in importance comes the county, then the State, and last of all the United States. Each has its duties to perform, and neither can properly interfere with the other. The constitutions of the several States and of the United States define these duties very distinctly. There is no contradiction nor collision. But when some bill not favorable to the Confederates is proposed in Congress which they cannot oppose on its merits, they raise the cry of "centralization and State rights." It is all very good, say the Northern allies, but it ought to be passed by the States.

When the Republicans passed a law providing that members of Congress should be elected on the same day in all the States, so as to avoid the possibility of colonization, they dared not say they wanted to colonize voters, and so they called it "centralization." So when a Republican Congress fixed the time and manner of electing United States Senators, so as to avoid the party trickery and frauds often practised under the old system, they do not dare say they want an opportunity to commit these frauds, and so they cry "centralization." "State rights" was their cry when they repealed the Missouri Compromise, although the purpose was to make Kansas a slave State. So they voted down the Wilmot Proviso to make California a slave State, but they shouted for "State rights." They shouted "State rights" in 1861 as they saw the South seceding under Buchanan. And during the whole war they recorded their votes against Union legislation, crying "State rights," "no centralization," "no coercion." They smelled centralization in the greenback and national currency,

in the laws to protect Northern citizens and the colored people in the South, and recorded their votes against them.

So now when they are trying to repeal the laws which provide against frauds in the large cities at the Presidential election, they do not dare to avow their purpose to re-enact the frauds in New York and elsewhere, and so they declare they are only anxious to vindicate State rights ; but unfortunately for their sincerity, they have always been equally hostile to similar State legislation. They have always opposed registration and the prosecution of frauds and forgeries in naturalization, and all laws for the protection and purity of the ballot-box. Only last April they fought the new constitution for the State of Indiana mainly because it provided for an honest election. When they cry free ballot they mean free fraud.

They have not always been so fearful of centralization. Before the war, when they controlled the government, they wielded the whole Federal power with cruel energy for the propagation of slavery. They made the whole North a hunting-ground for the pretended fugitives and every Northern man a slave-hunter. He was required under cruel penalties to join the chase whenever a pursuing master blew his horn. When the master used the Federal government to put his heel on the free thought, free speech, and free press of the North, you heard no Democratic murmur about State rights and centralization. It is only when the North is predominant and proposes measures for the preservation of the Union, the purity of the ballot-box, the protection of the lives and property of all citizens alike, that you hear from the Democratic wigwam a loud wail for State rights.

They had no fear of centralization in 1877 when they voted on the electoral commission to set aside the action of "sovereign States" in the appointment of electors. They had no fear of centralization when in the last session of Congress they arranged the machinery whereby the vote of a State in the

coming election may be rejected by a mere party majority. They had no fear of centralization when in 1879 they created a National Board of Health with large appropriations to be expended in the South. Nor when in the last session they agreed to waste four million dollars on trafficless streams and harbors in the South. Their State rights fervor cools wonderfully when the South makes her demands, and waxes hot only when necessary, humane or Union legislation not in Confederate interests is proposed.

The Northern Democracy has ever been led into error by their State rights teachers in the South. They are compelled to acknowledge that in every party issue since the Republican party was formed a quarter of a century ago, they have taken the wrong side. But while they abandon their positions year after year, they hold on to their Southern theories, which still lead them into new errors.

They are like the old trapper who came very often to get the bounty on wolf-scalps. His scalps were always young. It looked suspicious, and he was investigated and found to be keeping a couple of old breeders and drawing the bounty on every litter.

"State rights" and "centralization" are the old mischief and treason breeders in the South. No matter what wrong they are trying to perpetrate, their Northern apologists appear in every campaign with a lot of snarling cubs in their arms. It was supposed the old wolves were despatched at Appomattox, but they managed to escape, and now the allies are out again with the cub-scalps demanding more bounty. Let us scalp the breeders in this election and cease paying tribute to the South.

THE END.

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